



WEB COPY



W.P. (MD) No. 5264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 15.06.2023
PRONOUNCED ON : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD)No.5264 of 2023

and

WMP(MD)No.4943 of 2023

A-1183, Karupatti Primary Agriculture
Co-Operative Credit Society,
represented by its Secretary
R.Jeyaseelan
Karuppatti Village,
Vadipatti Taluk,
Madurai District.

: Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Vadipatti, Madurai District.

2.The Block Development Officer
(Village Panchayat),
Vadipatti, Madurai District.

3.Karupatti Village Panchayat,
represented by its President,
Karuppatti, Vadipatti Taluk,



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Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of certiorari to call for the records pertaining to the impugned order passed by the 3rd respondent dated 08.02.2023 and quash the same as illegal.

For Petitioner : Mr.Karunanidhi.R

For Respondents : Mr.R.Ravindran,

Additional Advocate General,
assisted by Mr.K.Balasubramani,
Special Government Pleader

ORDER

Heard the learned Counsel for the petitioner and the learned Additional Advocate General for the respondents.

2.The order impugned in this writ petition has to be quashed on two grounds, (a) it is bereft of details, no survey number has been mentioned and (b) in any event the President of the local body can only call upon the encroacher to remove the encroachment, he or she cannot take any consequential steps for actual removal of the encroachment. The local body has to necessarily call upon



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the jurisdictional Tahsildar to follow due process of law and to remove the encroachment. The impugned order is set aside. This writ petition is allowed.

The respondents are at liberty to take appropriate steps in accordance with law for removal of the encroachment, if committed. No costs. Consequently connected miscellaneous petition is closed.

[G.R.S.,J.] [B.P.,J.]
30.08.2023

Index : Yes / No

Internet : Yes

dsk

To

- 1.The Tahsildar,
Taluk Office,
Vadipatti, Madurai District.
- 2.The Block Development Officer
(Village Panchayat),
Vadipatti,
Madurai District.
- 3.Karupatti Village Panchayat,
represented by its President,
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