



W.P.(MD) No.5218 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.5218 of 2023

and

W.M.P.(MD) Nos.4914, 4915 & 4917 of 2023

K.Krishnan

... Petitioner

-VS-

1.The District Collector
Madurai, Madurai District

2.The Tahsildar
Usilampatti Taluk
Madurai District

3.The Block Development Officer
Chellampatti Panchayat Union
Usilampatti Taluk
Madurai District

4.The Muthalaikulam Village Panchayat
Rep.by its Panchayat President
Muthalaikulam Village
Chellampatti Panchayat Union
Usilampatti Taluk
Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned eviction notice dated 28.02.2023, on the file of the fourth



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respondent and quash the same as illegal and consequently forbear the respondents 1 to 4 from evicting the petitioner from his building in S.No. 334/1, 334/4, Kaspamuthalaikulam Village, Usilampatti Taluk, Madurai District, without following due process of law.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1 & R2
Mr.A.Baskaran
Additional Government Pleader for R3 & R4

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Admit.

2. Mr.P.T.Thiraviyam, learned Government Advocate, takes notice for the respondents 1 & 2 and Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents 3 & 4.

3. Challenge in this writ petition is to the notice, dated 28.02.2023, issued by the fourth respondent seeking the petitioner to remove the encroachment made by him in the land that is classified as "School Land".



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4. The sole contention of the learned counsel for the petitioner is that Section 131 of the Tamil Nadu Panchayats Act, 1994, does not authorize the President of the Village Panchayat to take proceedings for eviction.

5. A reading of Section 131 of the Tamil Nadu Panchayats Act, 1994, justifies the contention of the learned counsel for the petitioner, inasmuch as the said provision requires the Panchayat President or the Executive Officer of the Panchayat to seek eviction of encroachers through the Revenue Department by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905.

6. In view of the aforesaid legal position, the writ petition stands allowed. The impugned order dated 28.02.2023, passed by the fourth respondent, is quashed. Liberty is reserved to the second respondent to proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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