



W.P(MD)No.6804 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.6804 of 2023

Kadarsha

... Petitioner

Vs.

1.The Thasildar,
Aranthangi.

2.Abdul Pari

3.Rafeek Mohamed

4.S.Umar Haththab

5.Sahabudeen

6.Syed Ibrahim

7.Kadhar Naina

8.Bakrudeen

9.Jannath Beevi



W.P(MD)No.6804 of 2023

10.Kalifullah

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 1st respondent in Na.Ka.606/2021/AA3 dated 24.02.2023 and quash the same and consequently directing the 1st respondent to remove the encroachments made on the waterbody and road in Survey Nos.76/19 and 79/1, 2 of Merpanaikkadu Revenue Village, Aranthangi Taluk, Pudukkottai District.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the first respondent.

2.The petitioner wants the encroachments in the petition mentioned water body to be removed. The Tahsildar, Aranthangi has



W.P(MD)No.6804 of 2023

declined to take further action in the matter citing the pendency of W.P.(MD)Nos.2394 and 2524 of 2022 before this Court. The said writ petitions have since been disposed of. We have made it clear that the Tahsildar alone has the power to physically remove the encroachment while the panchayat president will have authority to issue notice for removal of encroachment. We have further held that once the panchayat president places proposal to the Tahsildar for removal of encroachment, the Tahsildar is bound to take further action in the matter. He cannot sit over the proposal of the panchayat president. In fact, the consequential action must be taken as expeditiously as possible after receipt of proposal from the panchayat president. The order impugned in this writ petition may not warrant interference. But we direct the first respondent to take further action as per law.

3.This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
11.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

3/4



WEB COPY



W.P(MD)No.6804 of 2023

**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

To:-

The Thasildar,
Aranthangi.

W.P(MD)No.6804 of 2023

11.09.2023