



W.P.(MD) No.8069 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.8069 of 2022
and
W.M.P.(MD) No.6037 of 2022**

Ponnupulugandi

... Petitioner

-VS-

1.The Thasildar
Taluk Office
Rajapalayam
Virudhunagar District

2.The Block Development Officer
(Village Panchayat)
Block Development Office
Rajapalayam
Virudhunagar District

3.Jameen Nallamangalam Village Panchayat
rep.by its President
Jameen Nallamangalam
Rajapalayam Taluk
Virudhunagar District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned order passed by the third respondent, dated 11.04.2022 and quash the same as illegal.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.M.Siddharthan for R2 & R3

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The order, dated 11.04.2022, passed by the Panchayat President / third respondent, is sought to be quashed in the present writ petition.

2. Learned counsel for the petitioner mainly contended that the Panchayat President is not vested with the power to issue any such eviction order under the Tamil Nadu Panchayats Act, 1994.

3. We have considered the said submission.



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4. The impugned order passed by the Panchayt President is to be construed as a report, which is directed to be forwarded to the Block Development Officer concerned, who in turn is directed to send a final report to the jurisdictional Thasildar for the purpose of initiation of action under the provisions of the Tamil Nadu Land Encroachment Act, 1905. On the receipt of the said report, the Tahsildar concerned is directed to issue a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and on receipt of the objections from the encroachers, pass final orders under Section 6 of the said Act and proceed with removal of encroachments, if any. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [V.L.N., J.]
13.12.2023
(2/2)

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

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To:
The Thasildar,
Taluk Office,
Rajapalayam,
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