



W.P.(MD) No.8382 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM:

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

W.P.(MD) No.8382 of 2023

D.Dhanam

... Petitioner

-VS-

1.The District Collector, Collectorate,
Tiruchirappalli.

2.The Block Development Officer,
Panchayat Union Office,
Manachanallur & Taluk,
Tiruchirappalli District.

3.The Panchayat President,
Siraganoor Village, Manachanallur Taluk,
Tiruchirappalli District.

4.Mookan

5.Dhanalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus directing the third respondent to remove the



W.P.(MD) No.8382 of 2023

obstruction caused by the 4th & 5th respondents in the common lane as per Section 131 of the Tamil Nadu Panchayats Act, 1994 based on the petitioner's representation dated 13.03.2023.

For Petitioner :Mr.R.S.Sivaram
For R-1 :Mr.A.Baskaran,
Additional Government Pleader
For R-2 & R-3 :Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

Mr.A.Baskaran, learned Additional Government Pleader takes notice for the first respondent.

2. Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 2 and 3.

3. The petitioner seeks a Mandamus for removal of the alleged encroachment over the common lane by the respondents 4 and 5.



W.P.(MD) No.8382 of 2023

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4. Attempt is made to invoke Section 131 of the Tamil Nadu Panchayats Act, 1994, which only invests the power in the Executive Authority to seek removal of encroachment over public streets or other lanes vested with the panchayat and not private property. Even under Section 131 of the Tamil Nadu Panchayats Act, 1994, the panchayat has no right to take any coercive measures. It has to necessarily seek the help of the Revenue Department for eviction under the Tamil Nadu Act 3 of 1905. If there is any dispute between the petitioner and the respondents 3 and 5 in enjoyment of the common lane, this is not the forum. It is for the petitioner to approach the civil Court.

5. Hence, reserving liberty to the petitioner to approach the civil Court, this writ petition is dismissed. No Costs.

[R.S.M., J.] [L.V.G., J.]

12.04.2023

NCC : Yes/No
Index : Yes/No
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