



**W.P.(MD) No.8761 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.04.2023**

**CORAM:**

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

**W.P.(MD) No.8761 of 2023  
and  
W.M.P(MD) No.8014 of 2023**

P.Muthiah Thevar

... Petitioner

**-VS-**

1. The District Collector,  
Office of the Collectorate Building,  
Madurai District.
2. The Tahsildar,  
Usilampatti Tahsildar, Usilampatti,  
Madurai District.
3. The Block Development Officer,  
Usilampatti Panchayat Union,  
Usilampatti, Madurai District.



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4. The President,  
Jothilnayakanur Village Panchayat,  
Usilampatti Panchayat Union,  
Madurai District.

... Respondents

**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 notice / order issued by the 3<sup>rd</sup> respondent in his proceedings Na.Ka.No. 2192/2021/Thi5 dated 29.03.2023 and also the 4<sup>th</sup> respondent's undated notice and quash the same passed by the Respondent in and quash the same as illegal .

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.S.P.Maharajan  
Special Government Pleader

### **ORDER**

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

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

2. With the consent of both sides, this writ petition is taken up for  
final hearing at the admission stage itself.



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3. The impugned notice has been issued by the President of the Village Panchayat. We have already held that the power available under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, does not enable the President of the Village Panchayat to initiate action for removal of encroachment. Such action can be initiated by the concerned jurisdictional Tahsildar under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

4. In view of the same, the writ petition is allowed and the impugned notice passed by the fourth respondent is quashed. No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**17.04.2023**

NCC : No  
Index : No  
Internet : Yes

PKN



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**AND**  
**L.VICTORIA GOWRI, J.**

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