



W.P.(MD) No.9527 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

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

**W.P.(MD) No.9527 of 2023
and
W.M.P.(MD) No.8499 of 2023**

Yogarajan

... Petitioner

-VS-

1. The Tahsildar,
Madurai East Taluk,
Madurai District.

2. The President,
Ilangiyenthal Village Panchayat,
Puduthamaraipatti Post,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated nil and subsequent impugned order dated 15.04.2023 of the second respondent and quash the same and consequentially forbear the respondents from interfering with the peaceful possession and enjoyment of the house of the



W.P.(MD) No.9527 of 2023

WEB COURT petitioner situated in S.No.73/35, Ilangiyenthal Village.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.A.Baskaran
Additional Government Pleader for R2

ORDER

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

The petitioner's challenge is to the notice issued by the President of the Village Panchayat under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, seeking for removal of encroachment.

2. Learned counsel for the petitioner would submit that there is no encroachment and that the building is within Survey No.73/35 which is classified as 'Natham' and a patta has also been issued to him under the 'Natham Land Revenue Scheme' as early as on 22.02.1994. In any event, we have already held that the President of the Village Panchayat does not have powers to remove encroachment. He can only do so pursuant to the general or special order passed



W.P.(MD) No.9527 of 2023

WEB COPY

by the Government or by invoking the machinery under the Tamil Nadu Land Encroachment Act, 1905, through the Revenue Department.

3. Hence, this writ petition stands allowed and the impugned notice is quashed. It is open to the President of the Village Panchayat to conduct a proper survey, ascertain the encroachment and move the Tahsildar for eviction under the Tamil Nadu Land Encroachment Act, 1905 if it is found that there is encroachment. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.04.2023

NCC : No
Index : No
Internet : Yes

PKN

To:

1. The Tahsildar,
Madurai East Taluk, Madurai District.
2. The President,
Ilangiyenthal Village Panchayat,
Puduthamaraipatti Post, Madurai District.



WEB COPY



W.P.(MD) No.9527 of 2023

R.SUBRAMANIAN, J.
AND
L.VICTORIA GOWRI, J.

PKN

W.P.(MD) No.9527 of 2023

21.04.2023