



W.P.(MD) No.9679 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

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

W.P.(MD) No.9679 of 2023
and
W.M.P.(MD) No.8560 of 2023

Kumaraiah

... Petitioner

-vs-

- 1.The District Collector
Office of the District Collector
Dindigul District
- 2.The Tahsildar
Vedasandoor Taluk Office
Dindigul District
- 3.The Executive Officer
Vadamadurai Town Panchayat
Dindigul District

4.K.Thangamani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the impugned notice issued by the third respondent in Na.Ka.No.46/2023, dated 22.03.2023 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 to R3
Mr.M.S.Suresh Kumar for R4

ORDER

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

Challenge in this writ petition is to the order passed under Section 182 of the Tamil Nadu District Municipalities Act, 1920, by the Executive Authority of the Panchayat, seeking removal of the encroachment on the land, which is classified as “Road”.

2. Though the learned counsel for the petitioner would attempt to argue that the Executive Authority of the Panchayat has no power, since the area in question is part of the Town Panchayat to which the District Municipalities Act would apply, the Executive Authority derives the power from Section 182 of the said enactment.

3. Once it is found that the offending construction (Vinayagar Temple) is situate in the land classified as “Road”, we do not think that we can



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entertain this writ petition in order to permit the encroachment over the land classified as “Road”. Hence, we do not see any merit in this writ petition and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

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

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To:

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Office of the District Collector,
Dindigul District.
- 2.The Tahsildar,
Vedasandoor Taluk Office,
Dindigul District.
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