



W.P(MD)No.9842 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.04.2023

CORAM :

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

**W.P(MD)No.9842 of 2023
and
W.M.P(MD)No.8678 of 2023**

Subbaiyan

... Petitioner

vs.

1. The District Collector,
O/o. the District Collector,
Theni District.

2. The Block Development Officer, (BDO)
Theni Block Development Office,
Theni District.

3. The Block Development Officer, (BDO),
Village & Panchayat,
Theni Block Development Office,
Theni District.

4. The Panchayat President,
Seelaiyampatti Village,
Theni District

5. The Panchayat Secretary,
Seelaiyampatti Village,
Theni District.



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6. The Tahsildar,
Theni Tahsildar Office,
Theni District.

7. The Head Surveyor,
Theni Tasildar Office,
Theni District.

8. The Surveyor,
Theni Tahsildar Office,
Theni District.

9. The Village Administrative Officer (VAO),
Seelaiyampatti Village,
Seelaiyampatti,
Theni District.

10. The Superintendent of Police,
Theni District.

11. The Inspector of Police
Chinnamanur Police Station,
Chinnamanur,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the Impugned Notice dated 13.04.2023 issued by the 4th Respondent and quash the same as illegal.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.P.T.Thiraviyam
Government Advocate



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ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The impugned eviction notice has been issued by the Panchayat President, Seelaiyampatti Village, Theni District. Under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, the Panchayat President has no power to remove an encroachment and he can only call upon the encroacher to remove the encroachment, failing which, he can address the Revenue Tahsildar concerned for removal of such encroachment under the Tamil Nadu Land Encroachment Act, 1905.

2. Hence, the Writ Petition is allowed and the impugned notice is quashed. However, it will be open to the respondents to proceed as per law for eviction of the encroachment. No costs. Connected miscellaneous petition is closed.

**(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
24.04.2023**

Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
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ORDER MADE IN
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