



W.P.(MD) No.10297 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

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

**W.P.(MD) No.10297 of 2023
and
W.M.P.(MD) No.9151 of 2023**

G.Loganathan

... Petitioner

-VS-

- 1.The District Collector
Tiruchirappalli District
- 2.The Revenue Divisional Officer
Musiri, Tiruchirappalli District
- 3.The Tahsildar
Musiri Taluk
Tiruchirappalli District
- 4.The Block Development Officer
(Village Panchayat)
Thathaiyangarpettai Panchayat Union
Tiruchirappalli District
- 5.The President
Paithambarai Village Panchayat
Musiri Taluk, Tiruchirappalli District



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6.The Deputy Superintendent of Police
Musiri, Tiruchirappalli District

7.Selvaraj

8.Malliga

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 13.04.2023 issued by the fifth respondent directing the petitioner to remove the black stone slab erected in the common pathway in Natham Survey No.445/22, Paithambarai Village, Musiri Taluk, Tiruchirappalli District and quash the same and consequentially forbearing the respondents 1 to 6 from initiating any action either under the Tamil Nadu Land Encroachment Act, 1905 or under the Tamil Nadu Panchayat Act, 1994, pending disposal of the suit in O.S.No.78 of 2022, on the file of the District Munsif Court, Musiri.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.P.T.Thiraviam
Government Advocate for R1 to R6



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ORDER

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

Challenge in this writ petition is to the notice, dated 13.04.2023, issued by the fifth respondent, seeking the petitioner to remove the encroachment made by him in the land that is classified as “Pathway”

2. Mr.P.T.Thiraviam, learned Government Advocate, takes notice for the respondents 1 to 6.

3. Considering the nature of the relief, notice to the private respondents is deemed unnecessary.

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

5. We have already held that the Panchayat President has no power to direct eviction under Section 131(2) of the Tamil Nadu Panchayats Act, 1994. The impugned order has been passed by the President of Paithambarai Village Panchayat directing eviction. The same is in



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contravention of the order of this Court dated 28.03.2023 passed in W.P.(MD) No.6676 of 2023 etc. batch.

6. Hence, reserving liberty to the official respondents to take appropriate action under the Tamil Nadu Land Encroachment Act, 1905, this writ petition is allowed and the impugned eviction order, dated 13.04.2023, passed by the fifth respondent, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

27.04.2023

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

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To:

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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- 4.The Block Development Officer,
(Village Panchayat),
Thathaiyangarpettai Panchayat Union,
Tiruchirappalli District.
- 5.The President,
Paithambarai Village Panchayat,
Musiri Taluk,
Tiruchirappalli District.
- 6.The Deputy Superintendent of Police,
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