



W.P.(MD) No.10350 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.10350 of 2023
and
W.M.P.(MD) Nos.9184 & 9185 of 2023**

C.Sakthi Ganesan

... Petitioner

-VS-

The Akkaraipatti Village Panchayat
rep.by its Panchayat President
Aathur Panchayat Union
Aathur Taluk, Dindigul District

... Respondent

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 proceedings of the impugned notice in Na.Ka.No.202/2020/B6, dated 21.02.2023 and the consequent undated notice on the file of the respondent and to quash the same.



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For Petitioner : Mr.I.Robert Chandrakumar
For Respondent : Mr.A.Baskaran
Additional Government Pleader

ORDER

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

Challenge in this writ petition is to the notice, dated 21.02.2023, issued by the respondent seeking the petitioner to remove the encroachment made by him in the land that is classified as “Lane”

2. Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondent.

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

4. 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



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Akkaraipatti Village Panchayat directing eviction. The same is in contravention of the order of this Court dated 28.03.2023 passed in W.P.(MD) No.6676 of 2023 etc. batch.

5. Hence, reserving liberty to the respondent to approach the revenue authorities to take appropriate action under the Tamil Nadu Land Encroachment Act, 1905, this writ petition is allowed and the impugned eviction order, dated 21.02.2023, passed by the respondent, is quashed. No costs. Consequently, connected miscellaneous petitions are 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:

The Panchayat President,
Akkaraipatti Village Panchayat,
Aathur Panchayat Union,
Aathur Taluk, Dindigul District.



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