



W.P.(MD) No.12801 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.12801 of 2023
and
W.M.P.(MD) Nos.10811 and 10812 of 2023**

M.Sevandhi

... Petitioner

-VS-

1. The District Collector,
Theni, Theni District.
2. The Block Development Officer,
Periyakulam Panchayat Union,
Theni District.
3. The President,
Keela Vadakarai Village Panchayat,
Periyakulam Panchayat Union,
Theni District.



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4. The Inspector of Police,
Vadakarai Police Station, Periyakulam,
Theni District.

5. Sivakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned eviction order passed by the 3rd respondent dated 15.04.2023, quash the same and consequently direct the respondents 1 to 4 not to take any eviction proceeding based on the petitioners representation dated 03.04.2023.

For Petitioner : Mr.B.Chakaravarthi
for Mr.C.Ezhilarasu

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R4
Mr.A.Baskaran
Additional Government Pleader
for R2 & R3

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 and 4 and Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents 2 and 3.



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2. Considering the nature of the relief, notice to the private respondent is deemed unnecessary.

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

4. Challenge in this writ petition is to the notice, dated 15.04.2023, issued by the third respondent seeking the petitioner to remove the encroachment made by him by running a petty shop at the parking area of Kumbakarai Waterfalls.

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 Neikulam 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.



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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 15.04.2023, passed by the third respondent, is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

NCC : No
Index : No
Internet : Yes
PKN

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