



W.P.(MD) No.12859 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.12859 of 2023
and
W.M.P.(MD) No.10889 of 2023**

N.Patchamuthu

... Petitioner

-VS-

1. The District Collector,
District Collectorate, Trichy District.
2. The Revenue Divisional Officer,
Lalkudi, Trichy District.
3. The Block Development Officer,
Pullambadi, Lalkudi Taluk,
Trichy District.
4. The President,
Neikulam Panchayat, Nedungoor Post,
Lalkudi Taluk, Trichy District.



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5. Ramraj

... 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 4th respondent passed by the impugned order dated 29.05.2023 and quash the same.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for R1 & R2

Mr.V.Nirmal Kumar
Government Advocate
for R3 & R4

ORDER

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

Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 3 and 4.



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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 29.05.2023, issued by the fourth respondent seeking the petitioner to remove the encroachment made by him in the land that is classified as “Public Pathway”.

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.

6. Hence, reserving liberty to the official respondents to take appropriate action under the Tamil Nadu Land Encroachment Act, 1905, this writ



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petition is allowed and the impugned eviction order, dated 29.05.2023, passed by the fourth respondent, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

NCC : No
Index : No
Internet : Yes
PKN

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L.VICTORIA GOWRI, J.

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