



W.P.(MD) No.13008 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

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

**W.P.(MD) No.13008 of 2023
and
W.M.P(MD) No.11016 of 2023**

The Gandhigram Institute of Rural
Health and Family Welfare Trust,
Rep. by its Director, Soundaram Nagar,
Amabathurai RS, Gandhigram – 624 302,
Dindigul District.

... Petitioner

-VS-

1. The District Collector,
Dindigul District, Dindigul.
2. The Tahsildar,
Athoor, Athoor Taluk, Dindigul District.
3. The Block Development Officer,
(Village Panchayat),
Athoor, Dindigul District.



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4. The President,
Gandhigram Panchayat, Athoor Taluk,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in its Na.Ka.No. 01/Kaa.Vu dated 25.04.2023 and quash the same and refrain the respondents from disturbing or otherwise dispossessing the petitioner from its enjoyment and occupation of the patta lands owned by the petitioner trust and consequently direct the respondents to identify and take action against the actual encroachers in S.No. 149/2 situated in Gandhigram Panchayat, Keelakottai Revenue Village, Athoor Taluk, Dindigul District.

For Petitioner : Mr.V.Vijay Shankar

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



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ORDER

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

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

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

3. The petitioner's challenge is to the notice issued by the President of the Village Panchayat under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, seeking for removal of encroachment. We have already held that the power available under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, does not enable the President of the Village Panchayat to initiate action for removal of encroachment. Such action can only be initiated by the concerned jurisdictional Tahsildar under the provisions of the Tamil Nadu Land Encroachment Act, 1905.



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4. In view of the same, the writ petition is allowed and the impugned notice passed by the fourth respondent is quashed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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