



W.P.(MD) No.13414 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM:

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

**W.P.(MD) No.13414 of 2023
and
W.M.P.(MD) No.11324 of 2023**

P.Pallavi

... Petitioner

-vs-

- 1.The District Collector
Sivagangai District
Sivagangai
- 2.The Block Development Officer
(Village Panchayat)
Manamadurai Circle
Manamadurai Town
Sivagangai District
- 3.The Tahsildar
Manamadurai Taluk
Sivagangai District



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4.The Village President
Muthanendal Village
Manamadurai Taluk
Sivagangai District

5.M.Periyasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the fourth respondent's impugned notice dated 31.05.2023 and quash the same and direct the respondents 2 to 4 to give an opportunity to the petitioner by providing a personal hearing by following the due process of law.

For Petitioner : Mr.M.Kumar

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 & R3
Mr.V.Nirmal Kumar for R2 & 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 & 3 and Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 2 & 4.



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2. Considering the nature of the relief, notice to the fifth 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 letter dated 31.05.2023, issued by the Panchayat President of Muthanendal Panchayat requiring the petitioner to remove the encroachment made by her in the common pathway.

5. Though the said letter states that action will be taken through the Tahsildar, the last two lines convey a different intention.

6. We have already held that Section 131(2) of the Tamil Nadu Panchayats Act, 1994 does not enable the Panchayat President to remove encroachments and the proper Authority is only the Revenue Tahsildar.

7. In view of the above, this writ petition is allowed and the impugned letter dated 31.05.2023, issued by the fourth respondent is quashed leaving it open to the fourth respondent to approach the Revenue



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Tahsildar for eviction of encroachment, if any. Needless to point out that the Revenue Tahsildar will issue notice to the persons alive and who are in actual possession of the land in question. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

08.06.2023

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

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To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Block Development Officer,
(Village Panchayat),
Manamadurai Circle,
Manamadurai Town,
Sivagangai District.
- 3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.
- 4.The Village President,
Muthanendal Village,
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