



W.P.(MD) No.13268 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM:

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

W.P.(MD) No.13268 of 2023

and

W.M.P.(MD) Nos.11210, 11211 & 11212 of 2023

P.Vellaiyammal @ Allagathi

... Petitioner

-VS-

- 1.The District Collector
Virudhunagar District
Virudhunagar
- 2.The Revenue Divisional Officer
O/o.The Revenue Divisional Office
Sattur, Virudhunagar District
- 3.The Tahsildar
O/o.The Tahsildar
Rajapalayam
Virudhunagar District
- 4.The Block Development Officer
(Village Panchayat)
Rajapalayam
Virudhunagar District



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5.The Panchayat President
Jameen Nathampatti Panchayat
Rajapalayam
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for records pertaining to the impugned order dated 29.05.2023 as well as the consequential impugned order dated 31.05.2023 by the respondent Nos.4 & 5 respectively and quash the same as illegal and consequently restrain the respondents from evicting the petitioner from her property in Survey No.1771/31 and 1771/38 situated at Jammen Nathampatti Village, Rajapalayam Taluk, Virudhunagar District, within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.P.Thilakkumar
Government Pleader for 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 the respondents 1 to 3 and Mr.P.Thilakkumar, learned Government Pleader, takes notice for the fourth respondent.

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. The order under challenge in this writ petition is one passed under Section 131 of the Tamil Nadu Panchayats Act, 1994, by the President of the Panchayat.

5. We have already held that the President of the Village Panchayat has no power to pass orders of eviction, after considering the language of Section 131(2) of the said enactment. Hence, this writ petition is



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allowed and the impugned eviction order dated 31.05.2023, passed by the fifth respondent, is quashed. It is left open to the fifth respondent to approach the Tahsildar concerned for eviction of encroachments, under the provisions of the Tamil Nadu Land Encroachment Act, 1905. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

07.06.2023

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

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To:

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O/o.The Revenue Divisional Office,
Sattur, Virudhunagar District.
- 3.The Tahsildar,
O/o.The Tahsildar,
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