



W.P.(MD) No.14150 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM:

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

**W.P.(MD) No.14150 of 2023
and
W.M.P.(MD) No.11998 of 2023**

J.Kannan

... Petitioner

-VS-

- 1.The District Collector /
Inspector of Panchayat
Virudhunagar District
Virudhunagar
- 2.The Tahsildar
Taluk Office
Rajapalayam Taluk
Virudhunagar District
- 3.The President /
Executive Officer
Puthur Panchayat
Puthur, Rajapalayam Taluk
Virudhunagar District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned notice dated 05.06.2023, passed by the third respondent, and to quash the same as arbitrary and illegal.

For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 & R2
Mr.A.Baskaran
Additional Government Pleader for R3

ORDER

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

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

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

3. Challenge in this writ petition is to the eviction notice, dated 05.06.2023, issued by the President of Puthur Panchayat.



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4. 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 notice has been issued by the President of Puthur Village Panchayat directing eviction.

5. Hence, reserving liberty to the respondents to take appropriate action under the Tamil Nadu Land Encroachment Act, 1905, this writ petition is allowed and the impugned eviction notice, dated 05.06.2023, issued by the third respondent, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

15.06.2023

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

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To:

1.The District Collector /
Inspector of Panchayat,
Virudhunagar District,
Virudhunagar.



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- 2.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.
- 3.The President /
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