



W.P.(MD) Nos.14469 and 14470 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

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

W.P.(MD) Nos.14469 and 14470 of 2023

and

W.M.P.(MD) Nos.12265, 12266, 12268 & 12269 of 2023

1.M.Mohamed Kani

... Petitioner in
W.P.(MD) No.14469 of 2023

2.Kada Bava

... Petitioner in
W.P.(MD) No.14470 of 2023

-VS-

1. The District Collector,
Madurai.
2. The Revenue Divisional Officer,
Office of Collectorate, Madurai.
3. The Tahsildar,
Madurai West Taluk, Virattipaththu,
Madurai.



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4. The Head Surveyor,
Office of Madurai West Taluk,
Virattipaththu, Madurai.

5. The Executive Officer / Panchayath President,
Vilachery Village Panchayath, Madurai.

... Respondents

Common Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 17.05.2023 on the file of 5th respondent and quash the same as illegal and directing the respondent Nos.3 and 4 to rectify the error in Field map sketch and Adangal registrar pertaining the land in Natham Survey number in S.No.488 situated at Vilacheri Village, West Taluk, Madurai District by considering the petitioners representation dated 30.05.2023 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.A.Ajmal Khan (in both writ petitions)

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 to R4

Mr.P.Thilak Kumar
Government Pleader for R5
(in writ petitions)



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COMMON ORDER

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

Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 1 to 4 and Mr.P.Thilak Kumar, learned counsel takes notice for the fifth respondent.

2. With the consent of both sides, these writ petitions are taken up for final hearing at the admission stage itself.

3. The impugned notices have been issued under the provisions, viz., Sections 131, 131(4), 222 and 242 of the Tamil Nadu Panchayats Act, 1994, by the President of Vilacheri Panchayat.

4. We have repeatedly held in several cases that the Panchayat President has no power to evict encroachments in view of the specific language of the Section 131(2) of the Tamil Nadu Panchayats Act, 1994. It is for the



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Panchayat President to seek action under the Tamil Nadu Land Encroachment Act, 1905, by the revenue department. Moreover, the encroachment complained of is said to be in Survey No.488/11 and the petitioner is the owner of Survey No. 488/12. He has disputed the extent of the pathway.

5. In view of the above and the legal position, these writ petitions stand allowed. The impunged notices are set aside. It is open to the panchayat to take action in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
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