



W.P.(MD) No.14549 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

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

**W.P.(MD) No.14549 of 2023
and
W.M.P.(MD) Nos.12330 & 12331 of 2023**

Vavubeevi

... Petitioner

-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

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 respondents No.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 petitioner's representation dated 30.05.2023 within a time stipulated by this Honourable Court .

For Petitioner : Mr.S.A.Ajmal Khan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4

Mr.P.Thilak Kumar
Government Pleader for R5



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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 4 and Mr.P.Thilak Kumar, learned Government Pleader takes notice for the fifth respondent.

2. With the consent of both sides, the writ petition is 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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5. In view of the above legal position, this writ petition stands allowed. The impunged notice dated 17.05.2023 is 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.]

20.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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