



W.P(MD)No.16137 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.16137 of 2023
and
W.M.P.(MD)No.13524 of 2023

Sivalingam

... Petitioner

Vs.

The President,
Keelavayal Village Panchayat,
S.Pudur Union,
Sivagangai District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the respondents in P.K.No.1/23 dated 21.06.2023 and quash the same.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.K.Balasubramani,
Spl. Government Pleader.



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ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the communication notice issued by the President of the local body under Section 131 of the Tamil Nadu Panchayats Act, 1994. It is well settled that the executive officer of the panchayat cannot on his own physically remove any encroachment. He has to necessarily submit proposal to the revenue authorities and the revenue authorities are obliged to follow procedure set out in Tamil Nadu Land Encroachment Act, 1905.

3.As and when, the first respondent places any proposal under Section 131 of the Tamil Nadu Panchayats Act, 1994 before the jurisdictional Tahsildar, the jurisdictional Tahsildar is obliged to take consequential action under the Tamil Nadu Land Encroachment Act, 1905.



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4. With this direction to the jurisdictional Tahsildar and leaving open the defences of the writ petitioner, this writ petition is disposed of.

We make it clear that we have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S.J.) & (B.P.J.)
11.09.2023**

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

To:

The President,
Keelavayal Village Panchayat,
S.Pudur Union,
Sivagangai District



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

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