



W.P(MD)No.11380 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11380 of 2015
and
M.P.(MD)No.1 of 2015

Perumalsamy

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
(Village Panchayats),
Pudhur Panchayat Union,
Thoothukudi District.

3.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

4.The Executive Officer / Panchayat President,
Msarpatti Panchayat,
Pudhur Panchayat Union,
Thoothukudi District.

... Respondents



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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 4th respondent in his Proceedings in Na.Ka.A2/721/2015 dated 18.03.2015 and subsequent proceedings in Na.Ka.No.A2/721/2015 dated 04.06.2015 and quash the same as illegal, violation of principles of law, without jurisdiction.

For Petitioner : Mr.G.Marimuthu

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3.
Mr.R.Anandha Raj for R4.

ORDER

Heard the learned counsel on either side.

2.The fourth respondent has issued the impugned notice under Section 131 of Tamil Nadu Panchayats Act, 1994 calling upon the petitioner to remove the alleged encroachment. It is well settled that the Executive Authority of the local body is competent to initiate



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proceedings for removing encroachment. It is open to the petitioner to avail the remedies set out under the Tamil Nadu Panchayats Act. In any event, if any such petition is filed by the petitioner before the Inspector of Panchayats within a period of three weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation. In any event, the fourth respondent cannot physically remove the petitioner or clear the encroachment. The fourth respondent can only apply to the third respondent for physical removal. The third respondent will have to follow the procedures set out in Tamil Nadu Land Encroachment Act, 1905.

3.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

31.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Collector,
Thoothukudi District,
Thoothuukudi.
- 2.The Block Development Officer,
(Village Panchayats),
Pudhur Panchayat Union,
Thoothukudi District.
- 3.The Tahsildar,
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