



W.P.(MD)No.9075 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.9075 of 2014
and M.P.(MD) Nos.1 & 2 of 2014

SP.Ramachandran

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam.

3.The Block Development Officer,
Thirumayam,
Pudukkottai.

4.Mr.Mangalaraman,
The President,
Kottaiyur Panchayat Union,
Thirumayam Panchayat,
Pudukkottai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the 4th respondent's notice



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dated 22.05.2014 relating to the eviction of Survey numbers 18/1, 19/1, 20/1 and 21/3 of Kottaiyur Village, Thirumayam Taluk, Pudukkottai District and quash the same as arbitrary, illegal and unenforceable.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

Mr.S.Anwar Samam for R4

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The notice issued by the Kottayur Panchayat Union President to remove the encroachment is under challenge in the present Writ Proceedings.

2. The President of the Panchayat in such circumstances has to submit a report to the competent authority / jurisdictional Tahsildar, who in turn has to initiate actions under the provisions Tamil Nadu Land Encroachment Act, 1905.

3. Learned counsel for the respondent Panchayat made a submission that the impugned notice has been issued informing the petitioner to remove the encroachments from the cart track, failing which actions will be initiated to



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remove the encroachments. Therefore, the Panchayat President has not usurped the powers of the competent authority under the Land Encroachment Act.

4. In any event, encroachments are to be identified by the Panchayat and therefore, they have to submit a report to the jurisdictional Tahsildar for initiation of action in terms of Section 131(2) of the Tamil Nadu Panchayats Act, 1994. In this regard, the fourth respondent / President, Kottaiyur Panchayat Union is directed to submit a report to the second respondent / Tahsildar, Thirumayam within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said report, the Tahsildar is directed to initiate appropriate actions to remove the encroachments by following the procedures as contemplated.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
31.10.2023

NCC : Yes / No
Index : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Thirumayam.
- 3.The Block Development Officer,
Thirumayam,
Pudukkottai.

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