



W.P(MD)No.21909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.09.2023

CORAM

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

W.P(MD)No.21909 of 2023
and
W.M.P.(MD)No.18281 of 2023

Sri.Marithai Salt Works,
Rep. by its Partner,
M.Arunkumar.

... Petitioner

Vs.

1.The President,
Keelavaipar Panchayat,
Keelavaipar,
Vilathikulam Taluk,
Tuticorin District.

2.The Block Development Officer,
Vilathikulam Panchayat Union,
Vilathikulam,
Tuticorin District.

3.The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.

... Respondents



W.P(MD)No.21909 of 2023

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 in Keezha/2023 on the file of the 1st respondent dated 30.08.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.G.Prabhu Rajadurai,

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

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.



W.P(MD)No.21909 of 2023

WEB COPY

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

4.With this direction to the third respondent 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



WEB COPY



W.P(MD)No.21909 of 2023

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

ias

To:-

- 1.The President,
Keelavaipar Panchayat,
Keelavaipar,
Vilathikulam Taluk,
Tuticorin District.
- 2.The Block Development Officer,
Vilathikulam Panchayat Union,
Vilathikulam,
Tuticorin District.
- 3.The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.

W.P(MD)No.21909 of 2023

11.09.2023