



W.P.(MD)No.25899 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2023

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CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.25899 of 2023

and

W.M.P.(MD)No.22242 of 2023

A.Alagan

: Petitioner

Vs.

1.The Thasildar,

Taluk Office, Ilayangudi,
Sivagangai District.

2.The Block Development Officer,

Block Development Office,
Ilayangudi Taluk,
Sivagangai District.

3.The President,

Nagaragudi Panchayat,
Ilayangudi Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records



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pertaining to the impugned Order passed by the third respondent vide his proceedings No.Nil dated 17.10.2023 and quash the same as illegal.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

O R D E R

Heard both sides.

2.The President of the Local body had issued the impugned eviction notice under Section 131 of 'the Tamil Nadu Panchayats Act, 1994' [hereinafter 'the Act' for brevity].

3.The notice is assailed on the grounds set out in the affidavit filed in support of the writ petition.

4.After hearing the learned Counsel for the petitioner, we are satisfied that no interference is warranted at this stage. As rightly contended by the learned Special Government Pleader, the power and jurisdiction of the Panchayat President to issue eviction notice under Section 131 of the Act has already been upheld. Of course, the Panchayat President cannot physically cause removal of the alleged encroachment. He has to necessarily move the



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jurisdictional Thasildar, if the petitioner does not comply with the demand set out in the impugned notice. The Tahsildar has to adhere to the procedure laid down in the Tamil Nadu Land Encroachment Act, 1905. As and when the jurisdictional Tahsildar initiates action against the petitioner, the petitioner can always place his objections. All the contentions of the petitioner are left open.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[G.R.S.,J.] & [P.D.B.,J.]

26.10.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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G.R.SWAMINATHAN, J.

and

P.DHANABAL, J.

MR

ORDER MADE IN

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