



W.P.(MD)No.28088 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.28088 of 2022
and W.M.P.(MD) No.22176 of 2022

Ayammal

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Madurai & District.
- 2.The Revenue Divisional Officer,
Madurai East Taluk,
Madurai District.
- 3.The Tahsildar,
Taluk Office,
Madurai East Taluk,
Madurai District.
- 4.The Block Development Officer,
Madurai East Union,
Madurai District.
- 5.The President,
Village Panchayat,



W.P.(MD)No.28088 of 2022

Ilangiyenthal Panchayath (Chithakkur),
Puduthamaramipatti Post,
Madurai District.

6.Ragini

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned eviction notice by the 5th respondent in his notice dated 30.11.2022, and quash the same as illegal.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.M.Lingeswaran,
Special Government Pleader for R1 to R3

Mr.M.Senthil Ayyanar,
Government Advocate for R4 & R5

Mr.K.Sivabalan for R6

ORDER

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

The eviction notice issued by the President, Elangiyenthal Village Panchayat (Chithakkur), in proceedings dated 30.11.2022 is challenged in the present Writ Petition.

2. Learned counsel for the petitioner mainly contended that the President of Village Panchayat has no jurisdiction to issue the eviction notice.



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3. However, the Panchayat President is empowered to submit a report to the Tahsildar for the purpose of removing the encroachment in the Village. In this regard, the Block Development Officer has to submit a report to the jurisdictional Tahsildar, who is empowered to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and proceed with the eviction process by following the procedure.

4. Thus, the impugned notice dated 30.11.2022 may be forwarded by the Village President to the Block Development Officer to submit a report to the Tahsildar, who in turn shall proceed with the removal of encroachment by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
23.11.2023

NCC : Yes / No
Index : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

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