



W.P(MD)No.26591 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2023

CORAM

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

W.P(MD)No.26591 of 2023
and
W.M.P.(MD)Nos.22882 and 22884 of 2023

Murugan,
President,
Pattalamman Kovil,
Unjampatti Panchayat,
Theni Panchayat Union Office,
Theni District.

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Block Development Officer,
Theni Panchayat Union Office,
Theni - 625 531.

3.The Village President / Executive Officer,
Unjampatti Village,
Theni Panchayat Union Office,
Theni - 625 531.

... 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, calling for the records of the impugned notice dated 12.10.2023 on the file of the 3rd respondent which was served on 22.10.2023 and to quash the same

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

ORDER

Heard both sides.

2.What is under challenge is the notice issued by the president of the local body calling upon the petitioner to remove the petition mentioned encroachment.

3.It is well settled that the panchayat president is having the statutory power to issue such notices. But then, he cannot physically remove the same. He has to necessarily submit proposal before the jurisdictional Tahsildar, if the petitioner fails to comply with the demand set out in the notice. The jurisdictional Tahsildar will have to take



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recourse to the procedure laid down in the Tamil Nadu Land Encroachments Act, 1905. We make it clear that if any proposal is received from the panchayat president, the jurisdictional Tahsildar shall take cognizance of the same and take proper action on merits and in accordance with law.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.,) & (B.P.J.,)
07.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector,
Theni District, Theni.
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Theni Panchayat Union Office,
Theni - 625 531.
- 3.The Village President / Executive Officer,
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and
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