



W.P.(MD)No.29426 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.29426 of 2023

and

W.M.P.(MD)Nos.25384 & 25387 of 2023

- 1.S.Rajkumar
- 2.V.Thirumoorthy
- 3.D.Mookandi
- 4.P.Gundumani
- 5.M.Lakshmi
- 6.P.Ganesan
- 7.B.Nagammal

... Petitioners

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Tahsildar,
Marungapuri Taluk, Trichy District.
- 3.The Block Development Officer,
Marungapuri Panchayat Union,
Trichy District.
- 4.The President,
Thettur Panchayat, Marungapuri Panchayat Union,
Trichy District.

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice dated Nil, Impugned Notice No.2, dated Nil and impugned Notice No.Nil, dated 01.12.2023 of the 4th respondent and quash the same as illegal.

For Petitioners : Mr.A.N.Ramanathan

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

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

The President, Thettur Panchayat, Marungapuri Panchayat Union, Trichy District / 4th respondent issued the order of eviction, which is under challenge in the present Writ Petition.

2.The learned counsel appearing for the petitioners mainly contended that the details regarding survey conducted have not been stated in the impugned order. More so, the 4th respondent has no jurisdiction to pass an order of eviction.

3.The learned Special Government Pleader appearing for the respondents raised an objection by stating that detailed survey was conducted and



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report contains survey details. In respect of the order passed by the 4th respondent, the same will be construed as a report and be forwarded to the Tahsildar concerned / 2nd respondent for the purpose of initiation of further action to remove the encroachments under Section 131(2) of the Tamil Nadu Panchayats Act, 1994.

4. In view of the above submissions, the 4th respondent is directed to forward the report to the 2nd respondent, who in turn shall initiate further action to remove the encroachments, if any identified by following the procedures as contemplated under the relevant statutes and rules in force.

5. With this direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

12.12.2023

(¹/₂)

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

Yuva

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Tahsildar,
Marungapuri Taluk, Trichy District.
- 3.The Block Development Officer,
Marungapuri Panchayat Union,
Trichy District.
- 4.The President,
Thettur Panchayat, Marungapuri Panchayat Union,
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