



W.P(MD)No.30097 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM

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

**W.P(MD)No.30097 of 2023
and
W.M.P.(MD)No.25950 of 2023**

Vairamuthu

... Petitioner

Vs.

**1.The Tahsildar,
Sivakasi Taluk,
Sivakasi.**

**2.The Pallapatti Panchayat,
Through its President,
Pallapatti,
Sivakasi Taluk,
Sivakasi.**

... 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 to call for the records relating to the impugned notice, dated 30.11.2023 issued by the respondent herein for removal of the alleged encroachment in S.No.1495, Pallapatti Village, Sivakasi Taluk, and quash the same

For Petitioner : Mr.V.R.Shanmuganathan

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

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner questions the impugned notice issued by the President of the local body on the ground set out in the affidavit filed in support of this Writ Petition.



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3. We have consistently held that while the President of the local body can very well call upon the encroachers to remove the encroachment, he cannot physically cause its removal. If the petitioner fails to comply with the demand set out in the notice, the procedure set out in the provisions of the Tamil Nadu Land Encroachment Act, 1905 will have to be adopted. In this view of the matter, petitioner need not have any cause for worry. All her defences are left open.

4. The Writ Petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S.J.) & (B.P.J.)
19.12.2023**

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

RM



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

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