



W.P.(MD)No.30801 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.30801 of 2023

and

W.M.P.(MD)No.26452 of 2023

S.Muniasamy

Vs.

... Petitioner

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The Block Development Officer,  
(Village Panchayats),  
Sivakasi Panchayat Union,  
Virudhunagar District.

3.The Tahsildar,  
Sivakasi Taluk, Virudhunagar District.

4.The President (In-charge),  
Pallapatti Panchayat,  
Sivakasi Panchayat Union,  
Virudhunagar District.

5.Kaleeswari

...Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4<sup>th</sup> respondent in his proceedings No.Nil, dated 21.11.2023 and quash the same as illegal, violation of law, without jurisdiction and further to direct the 3<sup>rd</sup> respondent to survey the land in Survey Nos.1535/5, 1535/1A1K, 1535/1A1J and 1535/1A1A1A, Nehru Colony, Pallapatti Panchayat, Sivakasi Panchayat Union, Virudhunagar District within the stipulated time fixed by this Court.

For Petitioner : Mr.M.Jothi Basu

For R1 to R4 : Mr.S.Kameswaran, Government Advocate

### **ORDER**

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

The order passed by the Panchayat President, Pallapatti, Sivakasi Panchayat Union, Virudhunagar District dated 21.11.2023, is under challenge in the present Writ Petition.

2.We have considered the power of the Panchayat President to issue an order of eviction. In view of the fact that the Panchayat President is empowered to submit a report through Block Development Officer to the jurisdictional Tahsildar, such report is to be acted upon by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905. Thus, we are inclined to convert the impugned order of



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the 4<sup>th</sup> respondent as a report, which is to be communicated to the 3<sup>rd</sup> respondent through the 2<sup>nd</sup> respondent. The 3<sup>rd</sup> respondent is directed to follow the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905 and complete the removal proceedings, if any encroachments are identified, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

3. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

**21.12.2023**

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,  
Virudhunagar District,  
Virudhunagar.
- 2.The Block Development Officer,  
(Village Panchayats),  
Sivakasi Panchayat Union,  
Virudhunagar District.
- 3.The Tahsildar,  
Sivakasi Taluk, Virudhunagar District.
- 4.The President (In-charge),  
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