



W.P.(MD)No.30832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.30832 of 2023

and

W.M.P.(MD)Nos.26480 & 26481 of 2023

Renuka

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Thirupathur, Sivagangai District.

4.The Block Development Officer,
Thirupathur, Sivagangai District.

5.Thirukoshtiyur Panchayat,
Through its President,
Thirukoshtiyur, Sivagangai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings



W.P.(MD)No.30832 of 2023

dated 25.11.2023 issued by the 5th respondent and the impugned proceedings dated 15.11.2023 in Na.Ka.B3/982/2022, of the 4th respondent and the impugned proceedings dated 31.10.2023 in Na.Ka.A4/2873/2022, of the 3rd respondent in respect of the lands in S.No.255/38, Thirukostiyur Village, Thirupathur Taluk, Sivagangai District and quash the same.

For Petitioner : Mr.V.R.Shamuganathan

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

ORDER

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

The order passed by the Panchayat President, Thirukoshtiyur, Sivagangai District dated 25.11.2023 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



W.P.(MD)No.30832 of 2023

the 5th respondent as a report, which is to be communicated to the 3rd respondent through the 4th respondent. The 3rd 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 petitions are closed.

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

21.12.2023

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

Yuva



W.P.(MD)No.30832 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 3.The Tahsildar,
Thirupathur, Sivagangai District.
- 4.The Block Development Officer,
Thirupathur, Sivagangai District.
- 5.The President,
Thirukoshtiyur Panchayat,
Thirukoshtiyur, Sivagangai District.

W.P.(MD)No.30832 of 2023

21.12.2023