



W.P.(MD) No.1524 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1524 of 2024

and

W.M.P(MD)No.1529 of 2024

1.Sigamani

2.Pechi

3.Jeyakodi

... Petitioners

Vs.

1.The Block Development Officer,
Thiruppuvanam Taluk,
Sivagangai District.

2.The President,
T.Alangulam Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice issued by the second respondent without any reference number or without any date and quash the same as illegal and consequently direct the respondents from restraining in any manner



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interfering with the peaceful possession and enjoyment of house property that is situated in S.No.277/7, 279/10, 279/12 of T.Alangulam Panchayat, Thiruppuvanam Panchayat Union, Sivagangai District, in future.

For Petitioner : Mr.S.Srikanth for
M/s.APN Law Associates

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Mr.T.Amjad Khan, learned Government Advocate takes notice for the respondents.

2. The petitioner has filed this writ petition challenging the impugned notice issued by the second respondent and to direct the respondents not to interfere with the peaceful possession and enjoyment of house property that is situated in S.Nos.277/7, 279/10, 279/12 of T.Alangulam Panchayat, Thiruppuvanam Panchayat Union, Sivagangai District.



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3. The learned counsel appearing for the petitioner would submit that the second respondent has no power to take action for removal of encroachment under the Tamil Nadu Land Encroachment Act, 1905 and further, no opportunity was given to the petitioner and therefore, the impugned notice is liable to be set aside.

4. Per contra, the learned Government Advocate appearing for the respondents would submit that the respondents strictly followed the procedure contemplated under Section 131 of the Tamil Nadu Panchayats Act, 1994.

5. Further, the learned Government Advocate citing the provisions under Section 131(2) of the Tamil Nadu Panchayats Act, 1994, would contend that the President of the Panchayat has the power for initiating action for removal of encroachment and if there is any difficulty in removing the encroachment, the local body can approach the Department for removal of encroachment. He would further submit that the petitioner may make his objections to the second respondent panchayat and the same would be considered within a period of four weeks.



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6. In the light of the above, considering the grievance expressed by the petitioner, we direct the petitioner to submit his objections before the second respondent within a period of two weeks from the date of receipt of a copy of this order. If any such objection is filed by the petitioner, the second respondent shall consider the same and pass appropriate orders for removal of encroachment, within a period of four weeks thereafter, after providing opportunity to the petitioner and aggrieved persons.

7. With the above directions, the writ petition is disposed of.
No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

24.01.2024

Neutral Citation: Yes / No
Index : Yes / No
PM



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To:

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and
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