



WP(MD). No.11240 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/05/2024

CORAM

**THE HON'BLE Ms.JUSTICE R.N.MANJULA
and
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**WP(MD). No.11240 of 2024
and WMP(MD) Nos.10001 and 10002 of 2024**

N.Rajendran

... Petitioner

Vs

1. The District Collector / The District Monitoring Committee,
Through its Chairperson,
Collector Office, Madurai,
Madurai District.

2. The Thasildhar,
Taluk Office , Thirumangalam,
Madurai District.

3. The President,
Maravankulam Panchayat,
Maravankulam Village,
Thirumangalam Taluk, Madurai District.

4. A.Kathija Parveen

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to the order dated 16.05.2024 issued by the 3rd respondent and quash the same.

1/5



WP(MD). No.11240 of 2024

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.D.Gandhiraj (R1 to R3)
Special Government Pleader
Mr.S.M.Arun Kumar for R4

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard Mr.B.Rajesh Saravanan, learned counsel for the petitioner,
Mr.D.Gandhiraj, learned Special Government Pleader for R1 to R3, and
Mr.S.M.Arunkumar, learned counsel for the respondent No.4.

2.This writ petition has been filed challenging the impugned order
of the third respondent dated 16.05.2024.

3. By consent of both parties, this Writ Petition is taken up for
final disposal at the stage of admission itself.

4. The only ground that has been raised by the petitioner is that the
impugned order has been issued by the third respondent, who lacks
jurisdiction under the Tamil Nadu Land Encroachments Act. 1905. Since



WP(MD). No.11240 of 2024

the Panchayat President is not the competent authority in respect of the Government land/street, he is not the competent person to pass any orders to remove the encroachments, if any.

5. However, the learned Special Government Pleader appearing for the official respondents submitted that the impugned proceedings dated 16.05.2024 is only a communication and not an order. In such a case, it is up to the appropriate authority, after taking appropriate measures, to issue orders if any.

6. In view of the above and also by recording that the impugned proceedings is only a communication and not an order, this writ petition stands **disposed of**. No costs. Consequently connected Miscellaneous Petitions are closed.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No
RR



WP(MD). No.11240 of 2024

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ORDER

IN

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