



W.P(MD)Nos.10984 to 10990 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.06.2023

Pronounced on : 11.03.2024

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)Nos.10984 to 10990 of 2023
and
WMP(MD)Nos.9610, 9612, 9613, 9614, 9615, 9616 & 9623 of 2023**

in WP(MD)No.10984 of 2023 : -

Vannamathi

... Petitioner

Vs.

- 1.The District Collector,
Madurai, Madurai District.
- 2.The Block Development Officer,
Chellampatti Panchayat Union,
Madurai District.
- 3.The Tahsildar, Usilampatti Taluk,
Madurai District.
- 4.The President/Executive Officer,
Vikkiramangalam Village Panchayat,
Chellampatti Panchayat Union,
Madurai District.

... Respondents



W.P(MD)Nos.10984 to 10990 of 2023

Common 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 pertaining to the impugned notice dated 20.04.2023 in unnumbered letter issued by the fourth respondent and quash the same as illegal.

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mr.K.Balasubramani,
Spl Government Pleader

COMMON ORDER

Heard both sides.

2.In all these writ petitions, eviction notices issued by the President of the local body have been put to challenge. It has been held that while the president of the local body who is also its executive authority is empowered to issue notices calling upon the encroachers to remove encroachments, he cannot physically cause their removal. He has to necessarily refer the matter to the jurisdictional Tahsildar and the provisions of the Tamil Nadu Land Encroachment Act, 1905 will have to be applied. As and when such notices are issued, it is open to the petitioners herein to satisfy such authority that they have not committed any encroachment.



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3. With this liberty and clarification as mentioned above, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

(G.R.S,J.) & (B.P, J.)

11.03.2024

Index : Yes / No
Internet : Yes/ No
SKM

To:

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**G.R.SWAMINATHAN, J.
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