



WEB COPY



W.P.(MD)No.18684 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.18684 of 2024

Chinnakannan, S/o.Mayirulan

... Petitioner

-VS-

- 1.The District Collector / District Monitoring Committee,
Theni District,
Theni.
- 2 .The Tahsildar
Andipatti,
Theni District.
- 3.The Chief Deputy Tahsildar
Andipatti , Theni District.
- 4.The Block Development Officer
Andipatti, Theni District.
- 5.The Zonal Deputy Block Development Officer,
Andipatti, Theni District.
- 6.The Village Administrative Officer,
Rajadhani, Theni District.
- 7.The Revenue Inspector,
Rajadhani Firka, Theni District.
- 8.The Firka Surveyor,
Rajadhani Firka, Theni District.



W.P.(MD)No.18684 of 2024

9.The President
Rajadhani Panchayat,
Andipatti,
Theni District.

10.Jeeva, S/o.Palanisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the encroachments made in a public cart track situated in S.No.48/1, Rajadhani Village, Theni District.

For Petitioner : Mr.R.Maheswaran

For R1 to R5 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

It is the complaint of the petitioner that the 10th respondent has encroached upon the land, which is used as a Pathway by the Villagers.

2. The report of the Tahsildar, Aundipatti, Theni District, dated 10.02.2024, shows that the claim of the petitioner that the land, which is used



W.P.(MD)No.18684 of 2024

as a Pathway, has been encroached upon is correct. The Tahsildar, had, however, passed on the buck to the Block Development Officer, Aundipatti, requiring him to take action. The Block Development Officer, in turn, has required the President of Rajadhani Panchayat to take action.

3. Under Section 131 of the Tamil Nadu Panchayats Act, 1994, the power to remove encroachments vest with the Revenue Department. Section 131(2) of the said Act only authorizes the Executive Authority [President] of the Panchayat to issue notice calling upon the removal of the encroachments. If the encroachments are not removed, it is for the Tahsildar to take appropriate action. Hence, this Writ Petition is disposed of with a direction to the second respondent Tahsildar to take appropriate action under the Tamil Nadu Land Encroachment Act, 1905, after issuing notice to the alleged encroachers. No costs.

NCC : No
Index : No
Internet : Yes
smn2

[R.S.M., J.] [L.V.G., J.]
05.08.2024



W.P.(MD)No.18684 of 2024

To:

- 1.The District Collector / District Monitoring Committee,
Theni District,
Theni.
- 2 .The Tahsildar
Andipatti,
Theni District.
- 3.The Chief Deputy Tahsildar
Andipatti , Theni District.
- 4.The Block Development Officer
Andipatti, Theni District.
- 5.The Zonal Deputy Block Development Officer,
Andipatti, Theni District.
- 6.The Village Administrative Officer,
Rajadhani, Theni District.
- 7.The Revenue Inspector,
Rajadhani Firka, Theni District.
- 8.The Firka Surveyor,
Rajadhani Firka, Theni District.
- 9.The President
Rajadhani Panchayat,
Andipatti,
Theni District.



WEB COPY



W.P.(MD)No.18684 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

smn2

W.P.(MD)No.18684 of 2024

05.08.2024