



W.P.(MD) No.20888 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

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

W.P.(MD) No.20888 of 2024

R.Asokan

... Petitioner

-VS-

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.The Block Development Officer, (VP),
Kannangudi Panchayat Union,
Sivagangai District.

4.The President,
Vengalur Village Panchayat,
Kannangudi Panchayat Union,
Sivagangai District.

5.Buvaswari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Government Land in Survey No.435/1, of Mangalam Village, Vengalar Group, Kandadevi Firka, Devakottai Taluk, Sivagangai District.



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For Petitioner : Mr.A.Karthik
For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 3. Notice to the respondents 4 and 5 is deemed unnecessary. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Government Land in Survey No.435/1, of Mangalam Village, Vengalar Group, Kandadevi Firka, Devakottai Taluk, Sivagangai District.”

3.The usual tactics of helping the encroachers has been adopted in this case also. The Tahsildar, Devekottai, who is empowered to remove encroachment under the Land Encroachment Act, 1905, has chosen to address the Block Development Officer who, admittedly, does not have jurisdiction to remove encroachment. This Court has repeatedly held that neither the Block Development Officer nor the Executive Authority namely, the Panchayat President have authority under Section 131 of the Panchayat



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Act, to remove encroachments. The Tahsildar is therefore, directed to take action under the Tamil Nadu Land Encroachment Act, 1905, without passing on the buck to the Block Development Officer. Such action shall be taken within a period of 12 weeks from today. Compliance report shall be filed before this Court by 28.11.2024. Post the matter on 28.11.2024 '**for reporting compliance**'.

4.The Writ Petition is disposed of with the above observation. If the order is not complied with, the petitioner will be at liberty to seek reopening of the Writ Petition. No costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
Mrn

To

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
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Sivagangai District.
- 3.The Block Development Officer, (VP),
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