



W.P.(MD)No.3359 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3359 of 2022
and
W.M.P.(MD)Nos.2932 & 3353 of 2022

J.Arockiasamy

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Kalaiyarkovil Union,
Sivagangai District.
- 5.The President,
Kalaiyarkovil Village Panchayat,
Kalaiyarkovil Union,
Sivagangai District.

6.T.Thangarasu

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the fifth respondent in her proceedings in Na.Ka.No.206 of 2022, dated 14.02.2022 and quash the same.

For Petitioner :Mr.V.Panneer Selvam

For Respondents :Mr.A.Kannan
Additional Government Pleader
for R1 to R4

: Mr.K.Balasubramani
Special Government Pleader
for R5

: Mr.S.Rajasekar
for R6

ORDER

Heard both sides.

2. The petitioner has questioned the impugned communication dated 14.07.2022 issued by the president of the local body calling upon him to remove the alleged encroachment. It is well settled that the local body cannot coercively enforce its own demand. It is open to the petitioner to comply with the demand or refuse to comply with the demand. In the event of the petitioner not complying with the demand, the local body has to necessarily refer the matter to the



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jurisdictional Thasildar to take action under the Land Encroachment Act, 1905 or any other statute.

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3. The impugned communication cannot be coercively enforced by the fifth respondent. Leaving open all the contentions of the writ petitioner and with the aforesaid clarification, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

10.06.2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

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To

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Kalaiyarkovil Union,
Sivagangai District.



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WEB COPY +1cc M/s. V.Panneer selvam Advocate S.R.No.33613 dated 12/06/2025

+1cc Government Pleader S.R.No.33203 dated 12/06/2025

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CT (02/07/2025) 4P/7C

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