



W.P(MD)No.4781 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.4781 of 2024
and
WMP(MD)No.4589 of 2024**

V.Subbulakshmi

... Petitioner

vs.

1. The Tahsildar,
Andipatti, Theni District.

2. The Panchayat President,
G.Usilampatti Panchayat,
Andipatti Union,
Theni District.

3. Balamurugan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd respondent dated 21.02.2024 and quash the same.

For Petitioner : Mr.C.Vakeeswaran
For R1 : Mr.S.R.A.Ramachandran
Additional Government Pleader



W.P(MD)No.4781 of 2024

For R3 : Mr.B.Arun

WEB COPY

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The only apprehension of the petitioner is that the President of the Usilampatti Panchayat has no authority to conduct eviction proceedings and therefore, the letter in this regard issued by the Panchayat President dated 21.02.2024, is put under challenge in this writ petition.

2. Under the Tamil Nadu Land Encroachment Act, 1905, eviction proceedings requires to be initiated only by the Revenue Tahsildar, having jurisdiction over the subject properties. Though the letter of the Panchayat President states that the Panchayat would initiate steps to evict the petitioner, it is hereby clarified that the Usilampatti Panchayat will not have jurisdiction to initiate such eviction proceedings.

3. The learned Additional Government Pleader, on instructions, submitted that the Tahsildar, Andipatti Taluk / 1st



W.P(MD)No.4781 of 2024

respondent herein, has already taken steps to initiate eviction proceedings.

4. In the light of the submission made, the Tahsildar, Andipatti Taluk / 1st respondent herein, is called upon to strictly adhere to the procedure contemplated under the Tamil Nadu Land Encroachment Act, 1905, for eviction proceedings and pass appropriate final orders, within a period of three months from the date of receipt of a copy of this order. Till such final orders are passed, there shall not be any coercive action.

5. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
24.01.2025

Index : Yes / No
Neutral Citation : Yes / No
bala



WEB COPY



W.P(MD)No.4781 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
bala

To

1. The Tahsildar,
Andipatti,
Theni District.

2. The Panchayat President,
G.Usilampatti Panchayat,
Andipatti Union,
Theni District.

ORDER MADE IN
W.P(MD)No.4781 of 2024
DATED : 24.01.2025