



W.P(MD) No.2230 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 08.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.P(MD) No.2230 of 2015
&
M.P.(MD)No.1 of 2015

Shanmugam Pillai (died)

2.S.Sumathi

3. S.Udayappan

4.Palaniappan

5.S.Sethil Kumar

6.K.Vijaya

7.M.Banumathi

8.B.Thamayandhi

(P1 to P8 are substituted vide Court order
dated 07.08.2023 in W.M.P.(MD)No.4051 of 2019
in W.P.(MD)No.2230 of 2015 by GRSJ)

... Petitioners

Vs.

1.The Tahsildar,
Melur Taluk,
Madurai District.

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W.P(MD) No.2230 of 2015

2.The Commissioner,
Kottampatti Panchayat Union,
Kottamapatti,
Madurai District.

3.Muthandi

... Respondents

PRAYER: Writ Petition filed Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for records relating to the impugned notice dated 11.02.2015 in Na.Ka.No.0015/15/A2 issued by the second respondent and quash the same.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1

: Mr.Rajarajan
for R2

: Mr.R.Anand
for R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. By the impugned memorandum dated 11.02.2015, the Commissioner, Kottampatti Panchayat Union had called upon the petitioner to remove the encroachments in question. The petitioner had been warned that if he does not do so, eviction will be carried out by taking police aid. The petitioner concedes that he has no title over the petition mentioned survey numbers. At the same time, we have to clarify that the Commissioner, Kottampatti Panchayat Union cannot coercively enforce this order. If the petitioner does not comply with the impugned demand, the only remedy open to the Commissioner is to send a proposal to the jurisdictional Tahsildar to take action under the Tamil Nadu Land Encroachment Act.

3. With the aforesaid clarification, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)
08.12.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

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The Tahsildar,
Melur Taluk,
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G.R.SWAMINATHAN, J.
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R.KALAIMATHI, J.

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