



WEB COPY

W.P(MD)No.27300 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM :

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

**W.P(MD)No.27300 of 2024
and
WMP(MD)No.23121 of 2024**

T.Suresh

... Petitioner

VS.

1. The President,
Athikattuvilai Panchayat,
Rajakkamangalam Panchayat Union,
Pazhavilai-629501,
Kanniyakumari District.

2. The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st respondent dated 05.11.2024 and quash the same and forbearing the respondents in anyway interfering with the possession and enjoyment of the petitioner in respect of the property in Survey No.287/14, Mathusoothanapuram (North) Village, Agasteeswaram Taluk, Kanniyakumari District.



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For Petitioner : Mr.M.P.Senthil
For R1 : Mr.J.Ashok
Additional Government Pleader
For R2 : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

ORDER

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

The only apprehension of the petitioner is that the President of the Athikattuvilai Panchayat has no authority to conduct eviction proceedings and therefore, the letter in this regard issued by the Panchayat President dated 05.11.2024, 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 impugned letter of the Panchayat President directs the petitioner to remove the encroachment made by him, it is hereby clarified that the Athikattuvilai Panchayat will not have jurisdiction to initiate such eviction proceedings.



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3. The learned Additional Government Pleader appearing for the 1st respondent submitted that the concerned Revenue Tahsildar will take appropriate steps under the provisions of the Tamil Nadu Land Encroachment Act.

4. Recording the above submission, the impugned letter of the 1st respondent dated 05.11.2024 is set aside and the concerned Revenue Tahsildar is at liberty to take appropriate steps under the provisions of the Tamil Nadu Land Encroachment Act.

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

(M.S.R, J.) (A.D.M.C, J.)
27.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
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