



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 16290 of 2023

and

WMP No. 15677 of 2023

Duraisamy

..Petitioner

Vs

1. The District Collector,
Namakkal District, Namakkal.
2. The Block Development Officer,
Trichengode Taluk,
Namakkal District.
3. The Tahsildar,
Trichengode Taluk,
Namakkal District.
4. Baskar @ Mani

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned show cause notice issued by the 4th respondent proceedings Nil dated 19/05/2023 quash the same and consequently directing the 1st to 4th respondents not to take any coercive steps against the petitioner property situated in S.No.183 /4, 183 /35 and 189 /13, in Door No.1/125, Modamangalam, Modamangalam Post, Trichengode Taluk, Namakkal District.



For Petitioner :

Ms.L.Meenakshi
for Mr.M.Dinesh

For Respondents :

Mr.M.S.Premkumar,
Govt. Advocate for R1 to R3

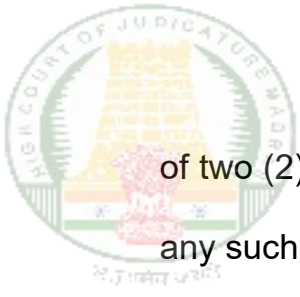
R4- No appearance

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

The present Writ Petition has been instituted challenging the show cause notice issued by the respondent/ Executive Authority, Panchayat Union Modamangalam asking the petitioner to vacate the encroached portion of the property, which belongs to Panchayat.

2. As far as the Panchayat President is concerned, he may issue notice to the encroachers asking them to vacate the encroached portion of the property which belongs to Panchayat. If the encroacher fails to vacate the property, then the President/ Executive Authority is bound to submit a report to the jurisdictional Tahsildar, who is competent to invoke the provisions of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "the Act"] for eviction of encroachers by following procedures as contemplated under law.

3. In the present Writ Petition, notice issued by the Panchayat President is under challenge. Thus, the petitioner is at liberty to submit his representation along with documents if any to the respondents within a period



of two (2) weeks from the date of receipt of a copy of this order. On receipt of any such representation, the Panchayat President may consider the same and thereafter if the encroached portion is not evicted, file a report before the Tahsildar for initiation of eviction proceedings under the provisions of the Act. The said exercise is directed to be completed by the respondents within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above observations, this Writ Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DSA

To

1. The District Collector,
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Namakkal District.
3. The Tahsildar,
Trichengode Taluk,
Namakkal District.



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

DSA

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