



W.P(MD)No.3492 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.3492 of 2022

and

W.M.P(MD)Nos.3060, 3061 & 8307 of 2022

Marimuthu

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District.
- 2.The Block Development Officer
(Village Panjayat),
Avuduyar Kovil Union Office,
Pudukkottai District.
- 3.The Tahsildar,
Avuduyar Kovil Taluk Office,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Na.Ka. 197/2020/thi3 dated 09.02.2022 and quash the same as illegal and



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consequently directing the second respondent restraining to lay the road in Survey No.4/2, 4/6 and 4/8 situated at 34, Velivayal Village, Avudayar Kovil Taluk, Pudukkottai District.

For Petitioner : Mr.A.Vadivel

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The petitioner challenges the impugned order issued by the second respondent. It is well settled that the jurisdictional BDO can only call upon an encroacher to vacate but cannot take any coercive measures against the encroacher. It is the jurisdictional Tahsildar who can take steps to remove the encroachment, if any. As and when the petitioner receives notice from the jurisdictional Tahsildar, the petitioner can raise all his contentions and defences. We make it clear that we have not gone into the merits of the matter.



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3. With the aforesaid clarification, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [R.P, J.]
07.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

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Pudukkottai District.
2. The Block Development Officer (Village Panjayat),
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Pudukkottai District.
3. The Tahsildar,
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G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

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