



WEB COPY



W.P(MD)No.4140 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.4140 of 2022

and

W.M.P(MD)No.3553 of 2022

M.Mariappan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer (Village Panchayat),
Watrap,
Watrap Taluk,
Virudhunagar District.

3.The President,
S.Ramachandrapuram Village Panchayat,
S.Ramachandrapuram Village,
Watrap Taluk,
Virudhunagar District.

4.P.Tamilselvam
***(R.4 is impleaded vide order of
this Court dated 07.04.2025 in
W.M.P(MD)No.22251 of 2022)***

... Respondents



W.P(MD)No.4140 of 2022

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 in proceedings in eviction notice dated 28.02.2022 on the file of third respondent herein and to set aside the same and directing the third respondent respect herein, not to disturb the petitioner's residential house in respect of the Survey No.1280/1 Ward No.2 (now it comprised as Survey No.1853/14 and 1853/15) in S.Ramachandrapuram Village, Sundarapandiam Revenue Village, Watrap Taluk and Virudhunagar District.

For Petitioner : Ms.G.Dhanalakshmi

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.3

Mr.P.Mahendran for R.4

ORDER

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

Heard both sides.

2.By the impugned Communication dated 28.02.2022, the President of S.Ramachandrapuram Village Panchayat had called upon the petitioner to remove the encroachment in question.



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3.It is well settled that the President of a local body cannot coercively enforce his own order. If the petitioner fails to comply with the demand set out in the impugned notice, the President of the local body has to necessarily approach the jurisdictional Tahsildar to take action under the Land Encroachment Act. As and when proceedings are taken under the said Act, the petitioner is at liberty to place all his defences before the concerned authority.

4.With the aforesaid clarification, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

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

07.04.2026

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

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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2.The Block Development Officer (Village Panchayat),

Watrap,

Watrap Taluk,

Virudhunagar District.

3.The President,

S.Ramachandrapuram Village Panchayat,

S.Ramachandrapuram Village,

Watrap Taluk,

Virudhunagar District.



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G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

MGA

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