



WEB COPY



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W.P.(MD)NO.8097 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.8097 of 2020

and

W.M.P.(MD)No.7522 of 2020

T.Periasamy

... Petitioner

Vs.

1. The District Collector cum
Inspector of Village Panchayats,
Tiruchirappalli.
2. The Tahsildar,
Musiri Taluk,
Tiruchirappalli District.
3. The Block Development Officer,
(Village Panchayats),
Thathaiyangarpettai Panchayat Union,
Tiruchirappalli District.
4. The President,
Karikali Panchayat,
Tiruchirappalli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus,



calling for the records relating to the impugned notice dated 09.07.2020 issued by the fourth respondent and quash the same insofar as the petitioner is concerned and consequently, direct the respondents 1 to 3 to survey the subject pathway in survey No.275, 512, 514, 515, 516 and 538 Karikali Village, Musiri Taluk, Tiruchirappalli District with reference to the survey sketch and documents of title of all the persons having houses and sites on both sides of the subject pathway after due notice to them.

For Petitioner : Mr.J.Barathan

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

Mr.R.Maheswaran for R-4.

* * *

ORDER

Heard both sides.

2. The president of the village panchayat has issued the impugned notice calling upon the noticees to remove the encroachment in question. The president of the local body is entitled to call upon the encroacher to remove the encroachment. Such a communication cannot be quashed. But then we have to clarify that



the panchayat president cannot on his own coercively enforce his stand. If the noticee does not comply with the demand set out in the notice, the panchayat president has to refer the matter to the jurisdictional Tahsildar to take action as per the Tamil Nadu Land Encroachment Act. As and when action is initiated under the said Act, the noticee / the petitioner herein can place his defence and canvass his contentions.

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

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
23.03.2026

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

PMU



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