



W.P.(MD)No.9493 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P.(MD)No.9493 of 2021
and
W.M.P.(MD)No.7225 of 2021**

P.Karthikeyan

... Petitioner

Vs.

- 1.The Block Development Officer,
(Village Panchayats),
Kadayanallur Panchayat Union,
Kadayanallur, Tenkasi District.
- 2.The Assistant Director of Village Panchayat,
Tenkasi, Tenkasi District.
- 3.The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.

4.S.Ravi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records in Na.Ka.No.A3/2549/2019 dated 11/05/2021 issued by the First Respondent and quash the same and consequently direct the Respondents to abide by the outcome of the suit in O.S.No.274 of 2019 pending on the file of Principle District Munsif Court, Tenkasi with regard to same subject matter filed by the Petitioner and others.

For Petitioner : Mr.M.Subbiah,
For Mr.M.S.Suresh Kumar
Ms.Indra

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 to R3.
Mr.M.Indrajithu for R4

ORDER

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

The petitioner is represented by two counsel, namely, Mr.Subbiah and Ms.Indra. Bundle was taken back from one counsel and was to be entrusted to the other counsel. But the other counsel was not given any vakalat. The client is said to have instructed the earlier counsel to continue to appear. I decided to hear both of them.



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2.Ravi, the fourth respondent herein, had earlier filed writ petition as well as contempt petition. Pursuant thereto, the jurisdictional Block Development Officer had passed the impugned order. The same has been put to challenge by the writ petitioner. It is well settled that the jurisdictional Block Development Officer 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.

3.It is also seen that the writ petitioner herein has filed O.S.No.274 of 2019 before Principal District Munsif Court, Tenkasi. The learned counsel for the petitioner states that an injunction order has been obtained. If the interim injunction is still holding good, the authorities may not be competent to take further action in the matter. The authorities have to necessarily abide by the outcome of the civil proceedings.



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4.The writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (R.P. J.)
24.03.2026**

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

To:

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