



W.P.(MD)No.15413 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2026

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

**W.P.(MD)No.15413 of 2021
and
W.M.P.(MD)No.12322 of 2021**

Sathavarayan, Errammal And Thimmammal Temple,
Rep. by its president K.S. Durairaj,
S/o. Subbaian Chettiar,
2/W-3 Main Road,
Seepalakottai Post,
Uththamapalayam Taluk,
Theni District.

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector Office,
Theni, Theni District.

2.The Block Development Officer,
Village Panchayat,
Chinnamanur Block Development,
Chinnamanur Post, Theni District.

3.The Panchayat President,
Seepalakottai Panchayat,
Seepalakottai Post,
Uththamapalayam Taluk,
Theni District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order issued by the 3rd respondent dated 16.08.2021 directing the petitioner to demolish the Chinnandi, Errammal and Thummammal Temple which is situated in S.No.283/1 in Seepalakottai village, Uthamapalayam Taluk, Theni District and quash the same as unconstitutional and illegal.

For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader.

ORDER

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

The impugned communication calling upon the petitioner to remove the encroachment in question was issued by the President of the Village Panchayat. It is well settled that the President of the Village Panchayat 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



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petitioner can raise all his contentions and defences. We make it clear that we have not gone into the merits of the matter.

2.This 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
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Chinnamanur Block Development,
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and
R.POORNIMA, J.

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