



W.P.No.30049 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30049 of 2022

B.Murugadoss

.. Petitioner

Vs

1. The District Collector
Collectorate Office
Kancheepuram District – 603 109.
2. The Tahsildar
Tahsildar Office
Thirukazhukundram Taluk
Chengalpat District – 603 109.
3. G.Perumal
4. P.Kanniyappan
5. G.Ramakrishnan
6. The Block Development Officer
Keerapakkam Village
Thirukazhukundram Taluk
Chengalpat District – 603 109.



W.P.No.30049 of 2022

7. The President

Keerapakkam Village Panchayat
Keerapakkam Village
Thirukazhukundram Taluk
Chengalpat District – 603 109.

.. Respondents

*[Respondents 6 and 7 impleaded
suo motu vide this order]*

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to remove the encroachment made by respondents 3 to 5 in Survey No.109/32 on considering the petitioner's representation dated 22.7.2022.

For the Petitioner : Mr.A.Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1, 2 and 6

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

B,Murugadoss, son of Boopathy, a resident of Keerapakkam Village, Deshmukipettai Post Thirukazhukundram Taluk, Chengalpat District, gave a representation on 22.7.2022 to the first respondent complaining that respondents 3 to 5 have encroached the road and the canal which is used for drainage situated in S.No.109/32 of



W.P.No.30049 of 2022

Keerapakkam Village. As the said representation did not evoke any response, the petitioner has filed this writ petition seeking issuance of a writ of mandamus to direct the first respondent to remove the encroachment made by respondents 3 to 5 in Survey No.109/32.

2. Mr.A.Kumar, learned counsel for the petitioner, drew our attention to the Adangal document and justified his claim that there is a road in Survey No.109/32 of Keerapakkam Village. He produced two photographs clearly showing that the road has been completely turned into a cattle shed by the fourth respondent. Even cattle lying in the said encroached land obstructing the pathway is explicitly clear.

3. Mr.P.Muthukumar, learned State Government Pleader, fairly admits that there is a road in Survey No.109/32 of Keerapakkam Village. He, however, submits that since the land lies within the jurisdiction of Keerapakkam Village, the petitioner ought to have impleaded the Block Development Officer and the President of the Village Panchayat as necessary parties in the light of Section 131(2)



W.P.No.30049 of 2022

of the Tamil Nadu Panchayats Act, 1994 [for brevity, "*the Act*"].
WEB COPY

4. A perusal of Section 131(2) of the Act makes it abundantly clear that it shall be the duty of the Village Administrative Officer of every revenue village to report on encroachments on properties vested in village panchayats or Panchayat Union Councils to the Executive Authority or the Commissioner concerned and to the officer of the Revenue Department, and moreover it shall be the duty of the Executive Authority or the Commissioner concerned either suo motu or on obtaining a report from the Village Administrative Officer in this regard to institute proceedings under the Act and secure the removal of the encroachments within such time as may be specified by the government by general or special order. Therefore, in our considered opinion, the Block Development Officer and the President, Keerapakkam Village Panchayat, Keerapakkam Village, Thirukazhukundram Taluk are necessary parties to this litigation. To avoid any further delay in the matter and to meet the ends of justice, this court hereby *suo motu* impleads the Block Development Officer and the President,



W.P.No.30049 of 2022

Keerapakkam Village Panchayat, Keerapakkam Village,
Thirukazhukundram Taluk, as respondents 6 and 7, respectively.

5. It is not in dispute that there is a road in Survey No.109/32 of Keerapakkam Village. That apart, the photographs produced by the petitioner show that the road has been completely turned into a cattle shed by the fourth respondent.

6. We, therefore, dispose of the writ petition with a direction to the Block Development Officer and the President, Keerapakkam Village Panchayat, to jointly take immediately steps in consonance with Section 131(2) of the Tamil Nadu Panchayats Act, 1994 and remove the encroachments made by respondents 3 to 5, of course after affording an opportunity of hearing to them. It is made clear that the removal shall be within the time as specified by the Government by general or special order as stated in Section 131(2) of the Tamil Nadu Panchayats Act, 1994. It is further made clear that if for any reason the President of the Village Panchayat delays the action, the Block Development Officer shall take immediate



W.P.No.30049 of 2022

steps to remove the encroachments. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
14.11.2022

Index : No

Note to Registry:
Issue today

sasi

To:

1. The District Collector
Collectorate Office
Kancheepuram District – 603 109.
2. The Tahsildar
Tahsildar Office
Thirukazhukundram Taluk
Chengalpat District – 603 109.
3. The Block Development Officer
Keerapakkam Village
Thirukazhukundram Taluk
Chengalpat District – 603 109.
4. The President
Keerapakkam Village Panchayat
Keerapakkam Village
Thirukazhukundram Taluk
Chengalpat District – 603 109.



WEB COPY



W.P.No.30049 of 2022

T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

(sasi)

W.P.No.30049 of 2022

14.11.2022