



WEB COPY



WP No.25565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP No.25565 of 2024

R.Srinivasan

... Petitioner

versus

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai -606601
- 2.The Tahsildar
Polur Taluk
Thiruvannamalai District
Thiruvannamalai -606601
- 3.The Block Development Officer,
Polur Panchary Block
Thiruvannamalai District
Tiruvannamalai -606601.
- 4.The Revenue Inspector,
Santhavasal, Polur Taluk,
Thiruvannamalai District,
Tiruannamalai -606601.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 4 to expeditiously remove the encroachment in the lands classified as “Kuttai Poramboke” and comprised in S.No.271/B, Padavedu Village, Polur Taluk, Thiruvannamalai District within a fixed time frame by following the due process of law and pass orders.

For the Petitioner :Mr.Prashanth Nadaraj B

For the Respondents :Mr.M.Habeeb Rahman
Government Advocate

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed for a direction to the respondents 1 to 4 to remove the encroachment in the lands classified as “Kuttai Poramboke” and comprised in S.No.271/B, Padavedu Village, Polur Taluk, Thiruvannamalai District, following the due process of law.



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2. Learned counsel for the petitioner submits that the petitioner is the present of the Panchayat. The Tahsildar has filed a report to the Block Development Officer to take necessary action for removal of encroachment in the property in question. He further submits that based on the said report, the Block Development Officer has directed the President of the Panchayat to initiate proceedings under the Tamil Nadu Land Encroachment Act, 1905 for removal of encroachments in the property in question.

3. Learned counsel for the petitioner further submits that such power is vested only with the revenue officials and not with the panchayat president, who can invoke only under Section 131 (2) of the Tamil Nadu Panchayat Act, 1994. Therefore, the panchayat president does not have such power to invoke under the Land Encroachment Act. Hence, he seeks for a direction to the authorities concerned to remove encroachment in the property in question.

4. Considering the peculiar circumstances of the case, where the



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panchayat president though having power under Section 131 (2) of the Tamil Nadu Panchayat Act, 1994, without invoking that provision of the Act, he has straight away filed the writ petition for the very same prayer and made a statement that the panchayat president do not have such power to invoke under Land Encroachment Act, 1905.

5. Learned Government Advocate has fairly stated that President of the Panchayat has power to initiate action for removal of encroachment by invoking Section 131 (2) of the Tamil Nadu Panchayat Act, 1994. In case, encroachers have not vacated the premises as directed by the president of the panchayat, the panchayat president is having remedy to report before the authority concerned and the revenue officials is empowered under 131 (2) of the Tamil Nadu Panchayat Act, 1994, for initiating action for removal of encroachment by invoking Tamil Nadu Land Encroachment Act, 1905.

6. In view of the submissions made by the made by learned Government Advocate, no further order is required in the present writ petition. It is for the panchayat president to work out his remedy by



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invoking Section 131 (2) of the Tamil Nadu Panchayat Act, 1994 as well as report to the authority concerned, if necessary.

7. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
02.09.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

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Thiruvannamalai District,
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P.B. BALAJI, J.

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