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W.P.Nos.34683, 34689 and 34692 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

**W.P.Nos.34683, 34689 and 34692 of 2024**

**&**

**W.M.P.Nos.37616, 37628 and 37623 of 2024**

**in W.P.Nos.34683, 34689 and 34692 of 2024**

K.Raja

S/o.Kadhirvelu

.. Petitioner

in W.P.No.34683 of 2024

P.Kannan

S/o.Pungavanam

.. Petitioner

in W.P.No.34689 of 2024

G.Balaraman

S/o.Gopal

.. Petitioner

in W.P.No.34692 of 2024

VS

1. The District Collector

Villupuram District

Villupuram

2. The Revenue Divisional Officer



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Villupuram District, Villupuram

3. The Thasildar  
Villupuram District  
Villupuram

4. The Block Development Officer  
Villupuram District  
Villupuram

5. The President  
Arasamangalam Panchayat Union  
Arasamangalam (PO)  
Kolianur (Via)  
Villupuram District – 605 103

6. R.Perumal  
S/o.Late Ramasamy .. Respondents  
in all Wps

**Common prayer :** Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for all relevant records relating to the impugned encroachment notice dated 11.09.2024 issued by the fifth respondent herein, to quash the same as arbitrary, improper, unjust, unconstitutional thereby direct 2<sup>nd</sup> and 3<sup>rd</sup> respondents to conduct a proper survey and consequently to affirm the Survey Nos.656/17, 656/18 and 656/19 as patta land by removing the wrong entries made in the Adangal Register of Arasamangalam Village.

For Petitioners : Mr.P.K.Rajesh Praveen Kumar  
(in all WPs)



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## **COMMON ORDER**

(Order of the Court was made by M.SUNDAR, J.)

Subject matter of captioned three writ petitions is alleged encroachment in 'S.Nos.656/17, 656/18 and 656/19 in Arasamangalam Village in Kolianur Panchayat Union, Villupuram District' [hereinafter 'said lands' for the sake of brevity, convenience and clarity].

2. Captioned writ petitions have been filed with certiorarified mandamus prayers.

3. Certiorari limbs pertain to 3 separate communications, all dated 11.09.2024 issued by R5 (President, Arasamangalam Panchayat Union). These communications are captioned 'கடிதக்குறிப்பு' and these communications shall be referred to as 'impugned letters' for the sake of convenience.



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4. As regards the mandamus limbs, there is a prayer to conduct survey and affirm that said lands are patta lands by removing what according to the writ petitioners are wrong entries made in the Adangal Register. Learned counsel for writ petitioner contended that said lands are patta lands and that they belong to the writ petitioners. On this basis, learned counsel submitted that the impugned letters do not have legs to stand. As regards the mandamus limb, it was asserted that the entries in the Adangal Register are wrong.

5. We carefully considered the submissions made by Mr.P.K.Rajesh Praveen Kumar, learned counsel for writ petitioners and the case files.

6. We find that the impugned letters are clearly communications under Section 131(2) of 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' [hereinafter 'said Act' for the sake of brevity].



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Section 131 of said Act is a provision which vests the Executive Authority with power to prohibit obstruction over public roads etc., To be noted, the term 'Executive Authority' is a defined term under said Act, it has been defined in Section 2(11) and going by Section 2(11), there is little difficulty (no difficulty) in discerning that R5 is the Executive Authority.

Section 131(2) of said Act reads as follows:

***"131. Prohibition against obstructions in or over public roads, etc., (1) ....***

*(a) .....*

*(b) .....*

*(c) .....*

*(d) .....*

*(f) .....*

*(2) 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 [it shall be the duty of the*



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*Executive Authority or the Commissioner concerned either suo motto or on obtaining a report from the Village Administrative Officer in this regard to institute proceedings under this Act] and secure the removal of the encroachments within such time as may be specified by the Government by general or special order. If the removal of the encroachments has not been secured within the period specified in such order, the officers of the Revenue Department shall institute proceedings under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) and secure such removal.'*

7. A careful perusal of Section 131 of said Act makes it clear that a communication has to be sent to the persons concerned (alleged encroachers) if there is any encroachment in public road and if the noticees do not remove the encroachments within the time specified in the communication, the Revenue Department shall institute proceedings under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity, convenience and clarity}.



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8. This Court has repeatedly held that 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' which is being referred to as 'said 1905 Act' is a self contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under section 7 of said 1905 Act followed by an order (considering the cause shown). The order under section 6 is appealable under section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.

9. A careful perusal of statutory scheme of said 1905 Act makes it clear that it provides for the alleged encroachers being show-caused under



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Section 7 of said 1905 Act and an order being made by the jurisdictional Tahsildar i.e., jurisdictional Revenue Authority under Section 6 which in turn appealable under Section 10 and provision for further revision under Section 10-A. There is also a provision for interim order i.e., interim stay pending appeal/ revision vide Section 10-B of said 1905 Act. This in sum and substance is the reason that this Court has repeatedly held that said 1905 Act is a self-contained code.

10. Reverting to the cases on hand i.e., captioned matters, it is clear that if the noticees i.e., writ petitioners do not comply with the same, the Revenue Authorities will resort to said 1905 Act and when it does so, the writ petitioners will be given adequate and ample opportunity vide show-cause notice under Section 7 of said 1905 Act. Therefore, we find that the captioned writ petitions assailing the impugned letters do not pass muster in the Admission Board. To buttress this conclusion of ours in the Admission Board, we also find that even according to photocopy of



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'நத்தம் நிலவரித் திட்ட தூய அடங்கல் பதிவேடு' placed before us

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by the writ petitioners, said lands have been classified as 'Ryotwari Punjai' and the remark (குறிப்பு) says it is street.

11. The writ petitioners have also not produced any document claiming right over said lands. This is another reason which buttresses our conclusion that the captioned matters do not pass muster in the Admission Board. We find that the attempt is to scuttle the process of removal of encroachment at the very inception and therefore, we are not inclined to entertain the captioned writ petitions.

12. In the light of the narrative, discussion and dispositive reasoning thus far, we have no hesitation in coming to the conclusion that captioned writ petitions do not pass muster in the Admission Board.



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Ergo, the sequitur is captioned writ petitions are dismissed.

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Consequently, the captioned WMPs are also dismissed. Considering the facts and circumstances of the case, we refrain from imposing costs.

[M.S., J] [K.R.S., J]

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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(1/2)