



W.P.No.36811 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

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R.Srinivasan
Panchayat President
Padavedu Village Panchayat
Polur Panchayat Union,
Polur Taluk
Tiruvannamalai - 606 905.

... Petitioner

Vs.

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



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5. Ramalingam
S/o.Shanmugam
6. Kalyana Raman
S/o.Pannaram
7. Ezhilmaran
S/o.Shanmuga Chettiar
8. Ragu
S/o.Vasu
9. Pazhani
S/o.Ponnusamy
10. Sivakumar
S/o.Kuppan
11. Vijayakumar
S/o.Subramani
12. Nedunchezian
S/o.Annamalai
13. Saravanan
S/o.Dhanapal
14. Babu
S/o.Chotta Sayub
15. Muniyammal
S/o.Chinna Kuzhanthai
16. Kamala
S/o.Pillaiyar



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17. Sampath
S/o.Annamalai
18. Yashodha
S/o.Govindasamy
19. Selvamurthy
S/o.Ramanujalu

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to expeditiously remove the encroachments in the lands classified as "Kuttai Poramboke" and comprised in S.No.271/B, Padavedu Village, Polur Taluk, Thiruvannamalai District by following the due process of law.

For Petitioner	:	Mr.Prashanth Nadaraj B
For Respondents	:	Mr.V.Ravi Special Government Pleader for R1 to R4

ORDER

[Order of the Court was made by **K.RAJASEKAR, J.,**]

This writ petition has been filed seeking a mandamus directing the respondents 1 to 4 to remove the encroachments in the lands comprised in S.No.271/B, Padavedu Village, Polur Taluk, Thiruvannamalai District which

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has been classified as "Kuttai Poramboke".

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2. The writ petitioner is President of Padavedu Village Panchayat. As an Executive Authority, he has issued notices to private respondents, who have been arrayed as respondents 5 to 19 in the present writ petition for removal of encroachment in Kuttai Poramboke (water body) comprised in S.No.271/B, Padavedu Village, Polur Taluk, Thiruvannamalai District.

3. It is the case of the writ petitioner that alleged encroachers have not come forward to remove the encroachment on their own and hence, the writ petitioner sent communications to official respondents to initiate action against the alleged encroachers. Since no action was taken by the official respondents, the petitioner is before this Court.

4. The learned counsel for writ petitioner submitted that as per Section 131(2) of 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' {hereinafter 'said Act' for the sake of brevity, convenience and clarity}, the writ petitioner as a competent authority has already issued



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notices to alleged encroachers seeking removal of encroachment in the said land. He further submits that the encroachment is made in Kuttai (water body) and if the encroachers are not coming forward to remove the encroachment on their own, Revenue authorities has to initiate proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. Though notices have been issued to alleged encroachers, they have not come forward to remove the encroachment is learned counsel's say.

5. Issue notice to official respondents i.e., respondents 1 to 4.

6. Mr.V.Ravi, learned Special Government Pleader accepts notice for official respondents 1 to 4.

7. Considering the limited scope of the matter, main writ petition was taken up in the Admission Board itself with the consent of both sides.

8. The learned State Counsel submits that under said 1905 Act, the



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official respondents would take steps to remove the encroachment in the subject land and official respondents would proceed as against the alleged encroachers in accordance with law on the basis of notices already issued by the writ petitioner.

9. Considering the facts and circumstances of the case and considering the submissions made on both sides, we direct the second respondent to initiate proceedings under said 1905 Act after providing an opportunity to alleged encroachers (private respondents) and act in accordance with law.

With the above directions, this Writ Petition is disposed of. There shall be no order as to 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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