



WEB COPY



W.P. No.6573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.6573 of 2025 and W.M.P. No.7233 of 2025

J. Udhayakumar

Petitioner

vs.

The Block Development Officer
Panchayat Union
Thurinjapuram
Tiruvannamalai

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the respondent dated 23.01.2025 made in Na.Ka.No.UA3/307/2025 and quash the same.

For petitioner Mr. K. Venkatasubban
for M/s. Sarvabhauman Associates

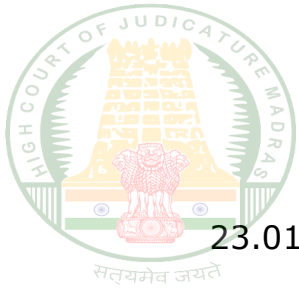
For respondent Mr. S. Arumugam
Government Advocate

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed assailing a 'notice signed by sole respondent on

Page Nos.1/20



W.P. No.6573 of 2025

23.01.2025 and bearing reference Na.Ka.No.UA3/307/2025'

(hereinafter 'impugned notice' for the sake of convenience and clarity).

2. Mr. K. Venkatasubban, learned counsel for writ petitioner, is before us.

3. Learned counsel submitted that the impugned notice is only a show cause notice but the respondent is putting the writ petitioner under the pain of dispossession / coercive action without even considering the writ petitioner's response much less making an order under Section 6 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act').

4. Issue notice to sole respondent.

5. Mr. S. Arumugam, learned Government Advocate, accepts notice for sole respondent and submits, on instructions, that there is encroachment and therefore, said 1905 Act has been resorted to.



W.P. No.6573 of 2025

6. Though it was not argued by learned counsel for writ petitioner, we find from our records that sole respondent is not competent to issue a notice under Section 7 of said 1905 Act and this Court has dealt with the same point in W.P.Nos.1344,1347,1348 and 1372 of 2025 *vide* order dated 22.01.2025 which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR
W.P.Nos.1344,1347,1348 and 1372 of 2025
and

W.M.P.Nos.1592,1596,1599 and 1622 of 2025

C. Muniyammal	Petitioner in WP No.1344/2025
K. Sivakumar	Petitioner in WP No.1347/2025
D. Saravanan	Petitioner in WP No.1348/2025
P.V. Raghuraman	Petitioner in WP No.1372/2025

vs.

1. The District Collector
Vengikkal
Tiruvannamalai
Tiruvannamalai District
2. The Tahsildar
Polur Taluk Office
Polur
Tiruvannamalai District
3. The Block Development Officer
Polur Panchayat Block
Tiruvannamalai District



WEB COPY



W.P. No.6573 of 2025

4. The Revenue Inspector
Santhavasal
Polur Taluk
Tiruvannamalai District
5. The President
Padavedu Village Panchayat
Padavedu, Polur Taluk
Tiruvannamalai District

Respondents in all WPs

W.P.No.1344 of 2025 filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records on the file of the 5th respondent herein *vide* his impugned notice dated 15.06.2023 issued under Section 7 of the Chennai III Act 1905 and quash the same as highly illegal and further for a direction to the 2nd respondent herein to survey the lands comprised in S.No.271/B, situated in Padavedu Village and if found proper for dwelling to issue patta in favour of the petitioner in view of the petitioner's representations dated 06.06.2022 and 02.07.2023.

W.P.No.1347 of 2025 filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records on the file of the 5th respondent herein *vide* his impugned notice dated 15.06.2023 issued under Section 7 of the Chennai III Act 1905 and quash the same as highly illegal and further for a direction to the 2nd respondent herein to survey the lands comprised in S.No.271/B, situated in Padavedu Village and if found proper for dwelling to issue patta in favour of the petitioner in view of the petitioner's representations dated 16.06.2022 and 02.07.2023.

W.P.No.1348 of 2025 filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records on the file of the 5th respondent *vide* his notice dated 15.06.2023 issued under Section 7 of the Chennai III Act 1905 and quash the same as illegal and further for a direction to the 2nd respondent to survey the lands comprised in S.No.271/B, situated in Padavedu Village and if found proper for dwelling to issue patta in favour of the petitioner in view of the petitioner's representations dated 07.09.2022 and 02.07.2023.

W.P.No.1372 of 2025 filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records on the file of the 5th respondent in the notice dated 15.06.2023 issued under Section 7 of the Chennai III Act 1905 and quash the same as



WEB COPY



W.P. No.6573 of 2025

illegal and further for a direction to survey the lands comprised in S.No.271/B, situated in Padavedu Village and if found proper for dwelling to issue patta in favour of the petitioner in view of the petitioner's representations dated 26.05.2022 and 02.07.2023.

For petitioner in all WPs Mr. J. Ashok

For respondents in all WPs Mr. V. Ravi
Special Government Pleader
assisted by
Mr. M.S. Arasakumar
Government Advocate

COMMON ORDER

[made by **M.SUNDAR, J.**]

Captioned four main 'Writ Petitions' {hereinafter 'WPs' in plural and 'WP' in singular for the sake of brevity} have been filed assailing four separate notices, all dated 15.06.2023, issued by R5 [The President, Padavedu Village Panchayat, Padavedu, Polur Taluk, Tiruvannamalai District] under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} which shall hereinafter be collectively referred to as 'impugned notices' for the sake of convenience and clarity.

2. Notwithstanding very many averments and grounds in the writ affidavit, Mr. J. Ashok, learned counsel on record for writ petitioners, predicated his campaign against impugned notices on one point and that one point is that impugned notices have been issued by an authority, who does not have power to issue the notice under Section 7 of said 1905 Act.

3. Issue notice to respondents.

4. Mr. V. Ravi, learned Special Government Pleader, accepts notice for all respondents.

5. Learned Special Government Pleader, on instructions, submitted that R5 is vested with power to issue notice under Section 7 of said 1905 Act.



WEB COPY



W.P. No.6573 of 2025

6. Considering the limited scope of the captioned main WPs, main WPs were taken up in the Admission Board with the consent of learned counsel on both sides.

7. Before we proceed further, we deem it appropriate to record certain facts, trajectory the captioned matters have taken thus far and facts that unfurled in hearing *qua* captioned WPs and an adumbration in this regard as follows:

(i) The subject matter of impugned notices is 'lands in S.No.271/B, Padavedu Village, Polur Taluk, Tiruvannamalai District' {hereinafter 'said lands' for the sake of brevity};

(ii) R5 in the captioned main WPs had earlier filed a writ petition in W.P.No.36811 of 2024 with a prayer to mandamus R1 to R4 before us (to be noted, R1 to R4 in the captioned main WPs are R1 to R4 in W.P.No.36811 of 2024 also) to remove alleged encroachment/s in said lands on the ground that the said lands have been classified as 'Kuttai Poromboke'. To be noted, writ petitioner in captioned W.P.No.1344 of 2025 [C.Muniyammal, Wife of Chinnakulandai], writ petitioner in W.P.No.1347 of 2025 [K. Sivakumar, Son of Kuppan], writ petitioner in W.P.No.1348 of 2025 [D.Saravanan, Son of Dhanapal] and writ petitioner in W.P.No.1372 of 2025 [P.V. Raghuraman, Son of Vasu] are RR 15, 10, 13 and 8 respectively in W.P.No.36811 of 2024. This W.P.No.36811 of 2024 came to be disposed of by this Court in and by an order dated 04.12.2024 which reads as follows:



WEB COPY



W.P. No.6573 of 2025



WEB COPY



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

W.P.No.36811 of 2024

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.

Page Nos.1/8

www.mhc.tn.gov.in/judis



WEB COPY



W.P. No.6573 of 2025



WEB COPY



W.P.No.36811 of 2024

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. Nedumchezian
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

Page Nos.2/8



WEB COPY



W.P. No.6573 of 2025



WEB COPY



W.P.No.36811 of 2024

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.VRavi
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

Page Nos.3/8



WEB COPY



W.P. No.6573 of 2025



WEB COPY



WP.No.36811 of 2024

has been classified as "Kuttai Poramboke".

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

Page Nos.4/8



W.P. No.6573 of 2025

WEB COPY



W.P.No.36811 of 2024

WEB COPY 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

Page Nos.5/8



W.P. No.6573 of 2025

WEB COPY



W.P.No.36811 of 2024

WEB COPY

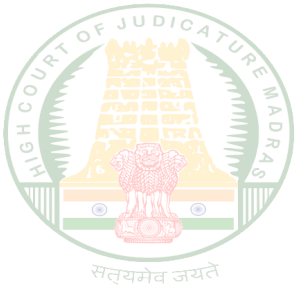
official respondents would take steps to remove the encroachment in the subject land and official respondents would proceed as against the alleged encroachers in accordance with law on the basis of notices already issued by the writ petitioner.

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.)
04.12.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
mk



WEB COPY



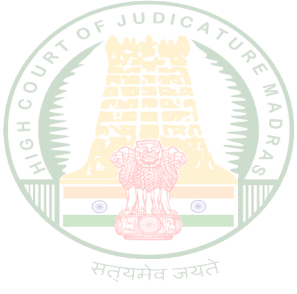
W.P. No.6573 of 2025

(iii) Aforementioned 04.12.2024 order of this Court speaks for itself and it now comes to light that 'notices already issued' are *inter alia* impugned notices;

(iv) Impugned notices were not brought to the notice of this Court when 04.12.2024 order was made though it was submitted that notices have already been issued and that notices already issued were notices 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, convenience and clarity}. Therefore, this Court, in paragraph no.8 of aforesaid 04.12.2024 order, after recording the submission that notices have already been issued, in paragraph no.9, directed notices under said 1905 Act to be issued by R2 but it now comes to light that notices had already been issued under said 1905 Act and that the same have been issued by R5;

(v) It is also submitted that writ petitioners have responded to impugned notices *vide* identical responses, all dated 02.07.2023. To be noted, responses placed before us are unsigned and there are no acknowledgments. One of the identical responses *i.e.*, response dated 02.07.2023 in the first captioned WP, *viz.*, W.P.No.1344 of 2025 is as follows:

விடுதல்
C. முனியம்மாள்,
க/பெ. சின்னக்குழந்தை,
எண்.1477, பஜார் வீதி,
A.K. படவேடு,
திருவண்ணாமலை - 606 905.
பெற்றநர்
1. உயர்திரு மாவட்ட ஆட்சியர் அவர்கள்,
வேங்கித்தால்,
திருவண்ணாமலை,
திருவண்ணாமலை மாவட்டம்.
2. உயர்திரு உதவி இயக்குநர் (ஊராட்சிகள்),
திருவண்ணாமலை,
திருவண்ணாமலை மாவட்டம்.
3. உயர்திரு ஆணையாளர் அவர்கள்,
ஊராட்சி ஒன்றியம் / வட்டார வளர்ச்சி அலுவலர் (கி.ஊ),
போளூர்,
திருவண்ணாமலை,
திருவண்ணாமலை மாவட்டம்.
4. உயர்திரு வட்டாட்சியர் அவர்கள்,
போளூர்,
திருவண்ணாமலை,
திருவண்ணாமலை மாவட்டம்.
மதிப்பிற்குரிய ஐயா அவர்கள்,
நான் என் குடும்பத்துடன் மேற்கூறிய விலாசத்தில் வசித்து வருகிறேன். நான் படவேடு ஊராட்சியில் உள்ள பஜார் வீதியில் எங்கள் வீட்டுக்கு முன் பகுதியில் Mobile shop நடத்தி வருகிறேன்.



W.P. No.6573 of 2025

WEB COPY

34

அக்கடையை என் முன்னோர்கள் பல வருடம் நடத்தி அவ்வழியே எங்கள் குடும்பமும் பல வருடங்களாக நடத்தி வருகிறோம். என் முன்னோர்கள் பல வருடம் முன் இருந்து இக்கடையின் இடத்தில் அனுபவம் மற்றும் சுவாதீனத்தில் இருந்து வந்தனர். இக்கடைகளின் வரி மற்றும் இதர பணப்பற்று செய்து வருவாய்த்துறை இரசீது அளித்து வருகிறது. இந்த இடம் எந்த புல எண்ணில் வரும் என்பதே எனக்கு தெளிவுப்படுத்தப்படவில்லை. பல வருடங்களாக என் குடும்பத்தார் பெயரிலும் பின்னர் என் பெயரிலும் வரி செலுத்தப்பட்டு வருகிறது. இக்கடைக்கு G.S.T பதிவு செய்யப்பட்டுள்ளது மற்றும் மின் இணைப்பு அளித்தும் பயன்பாட்டில் உள்ளது. நாங்கள் நிம்மதியாக எங்கள் கடை (No.1477, A.K. Padavedu, Tiruvannamalai) யை நடத்தி வந்த நிலையில், கடந்த 15-06-2023-ம் தேதியிட்ட நோட்டீஸ் அறிவிப்பு, ஊராட்சி தலைவரால் அனுப்பப்பட்டது. அத்தகைய நோட்டீஸ் ஊராட்சி தலைவரால் தன்னிச்சையாக அனுப்ப முடியாது என்று எனக்கு சட்ட அறிவுரை அளித்தமையால் உங்களிடம் அந்த நோட்டீஸ்க்கான பதில் விளக்கம் அளிக்கிறேன். மேற்கூறிய விவரங்களால் மற்றும் என் நில உடைமையை உறுதி செய்ய பல முறை உங்களிடம் பட்டா வழங்க கோரியும் மனு அளித்துள்ளோம். அது நிலுவையில் உள்ள நிலையில் எங்கள் ஊர் தலைவர் தன்னிச்சையாக அனுப்பிய நோட்டீஸ் வாபஸ் வாங்குமாறும் மற்றும் எங்களுக்கு எங்கள் இடத்திற்கு பட்டா அளிக்குமாறும் தாழ்மையுடன் கேட்டுக் கொள்கிறேன்.

இப்படிக்கு,

(C. முனியம்மாள்)



WEB COPY



W.P. No.6573 of 2025

8. A careful perusal of the aforementioned narrative which captures facts, trajectory thus far and what unfurls from the case files, brings to light that as early as in July of 2023 (02.07.2023), writ petitioners have responded to impugned notices and have specifically raised the point that R5 cannot issue the impugned notices and that such a plea is taken on legal advice.

9. Be that as it may, it is categorically submitted by learned counsel for writ petitioners in all four captioned WPs that after writ petitioners' identical responses dated 02.07.2023 to impugned notices, no orders have been made under Section 6 of said 1905 Act. This categorical submission is recorded.

10. We find from our research that a similar question arose in W.P.(MD)No.16494 of 2023 [Viswanathan Vs. District Collector and others] and a Hon'ble Division Bench of Madurai Bench of this Court, in and by an order dated 10.07.2023, has recorded the stated position of learned State Counsel made on instructions that there is no Government Order specifically authorizing Block Development Officer [BDO] or Village Panchayat President to initiate action under Section 7 of said 1905 Act. It appears that **Viswanathan** case has been given a legal quietus as we find from our further research that the matter does not appear to have been carried to Hon'ble Supreme Court.

(underlining done by us for ease of reference)

11. We are informed by learned Special Government Pleader that the tenure of office of R5 has also lapsed on 05.01.2025.

12. Before we proceed further, we deem it appropriate to capture the obtaining legal position or in other words, the obtaining Section 7 of said 1905 Act. Section 7 of said 1905 Act reads as follows:

'7. Prior notice to person in occupation.- Before taking proceedings under section 6, the Collector or Tahsildar, or Deputy Tahsildar or Revenue Inspector or any authorized officer or any other officer specified by the State Government in this behalf (not being an authorised officer). (hereinafter referred to as the 'specified officer') as the case may be, shall cause to be served on the person reputed to be in unauthorised occupation of land being the property of Government a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 6.



WEB COPY



W.P. No.6573 of 2025

Such notice shall be served in the manner prescribed in section 25 of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864), or in such other manner as the State Government by rules or orders under section 8 may direct:

Provided that no such notice shall be necessary in the case of any person unauthorisedly occupying any land, if he has been previously evicted from such land under section 6 or if he has previously vacated such land voluntarily after the receipt of a notice under section 5-B or under this section:

Provided further that where the notice under this section is caused to be served by any Revenue Inspector or any specified officer, he shall require the person reputed to be in unauthorised occupation of the land to show cause against such notice to the Collector, Tahsildar or Deputy Tahsildar or authorised officer having jurisdiction, as the case may be, and shall also make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar or authorised officer having jurisdiction, as the case may be.'(putting in a portion of extract in different font and underlining of same is by this Court for ease of reference).

13. In the aforesaid Section 7 of said 1905 Act, the expression 'any other officer specified by the State Government in this behalf (not being an authorised officer) (hereinafter referred to as the "specified officer")', as the case may be' was substituted in place of 'any officer of the Highways Department, not below the rank of a Section Officer and not being an authorised officer'. This is in and by way of Amendment Act captioned 'The Tamil Nadu Land Encroachment (Amendment) Act, 1975 (Tamil Nadu Act No.20 of 1975)' {hereinafter 'said 1905 Amendment Act' for the sake of brevity}. We find that said 1905 Amendment Act is a conditional legislation. This is *vide* sub-section (2) of Section 1 which reads as follows:



WEB COPY



W.P. No.6573 of 2025

'1. Short title and commencement - (1)
(2) It shall come into force on such date as the
State Government may, by notification, appoint.'

14. The said 1905 Amendment Act received assent of President on 02.07.1975, it was published in Gazette on 08.07.1975 and it kicked in (came into force) on and from 01.10.1976.

15. Be that as it may, following *Viswanathan case supra*, we deem it appropriate to set aside the impugned notices but we make it clear that all rights and contentions of R2 [The Thasildar, Polur Taluk Office, Tiruvannamalai District] are preserved for issuing fresh notice/s under Section 7 of said 1905 Act.

16. Learned Special Government Pleader submits that R2 will issue fresh notice under Section 7 of said 1905 Act as expeditiously as the official business of R2 would permit but in any event within one week from today *i.e.*, by 29.01.2025. This submission of learned Special Government Pleader is recorded.

17. When Section 7 notice is issued by R2, it is open to writ petitioners to send signed responses under due acknowledgment (if so advised and if so desired) within the time specified therein. Thereafter, an order under Section 6 of said 1905 Act or other proceedings as adumbrated in said 1905 Act shall follow.

18. Learned Special Government Pleader, advertent to earlier order dated 04.12.2024 and current scenario, submits that the entire exercise will be completed as expeditiously as the business of R2 would permit but in any event within eight weeks from today *i.e.*, on or before 19.03.2025.

19. We make it clear that impugned notices are set aside solely on lack of jurisdiction (*qua* R5) point and we are not expressing any view or opinion on the merits of the matter *i.e.*, on the merits of encroachment or contra contention of writ petitioners. Therefore, when fresh Section 7 notices are issued, the matter will be considered on its own merits and in accordance with law untrammelled by any observation made in this order.



WEB COPY



W.P. No.6573 of 2025

Captioned WPs are disposed of in the aforesaid manner. Consequently, Writ Miscellaneous Petitions thereat are disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
22.01.2025'

Paragraph 10 of aforementioned order is of relevance.

7. In the light of the narrative thus far, the following order is made:

- i. Impugned notice is set aside solely on the ground of lack of jurisdiction on the part of sole respondent;
- ii. As a corollary to the above, we deem it appropriate to write that we have not expressed any view or opinion on the merits, much less on the alleged encroachment;
- iii. We preserve all the rights and contentions of the State to initiate proceedings afresh by issue of notice by a competent authority *i.e.*, orders *qua* Section 7 of said 1905 Act; and
- iv. When the above is resorted to, we equally preserve all the rights and contentions of the writ petitioner to send a suitable response and the procedure contemplated under said 1905 Act shall be followed.

8. This Court has repeatedly held that said 1905 Act is a self



W.P. No.6573 of 2025

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. In the light of the narrative thus far, captioned WP is allowed albeit with aforementioned observations and preservation of rights in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
26.02.2025

cad
Index : Yes/No
NC : Yes/No

Page Nos.19/20



WEB COPY



W.P. No.6573 of 2025

M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

cad

To:

The Block Development Officer
Panchayat Union
Thurinjapuram
Tiruvannamalai

W.P. No.6573 of 2025

26.02.2025

Page Nos.20/20