



W.P.No.14338 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

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

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.14338 of 2025

and

W.M.P No.16141 of 2025 in W.P. No.14338 of 2025

1.V.Meena
2.Periyayi
3.Jayalani
4.Elumalai
5.Dhanapal
6.Kamatchi
7.Muthammal

... Petitioners

VS.

The President,
Puthirampattu Panchayat,
Sankarapuram Taluk,
Kallakurichi District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari to call for the entire records
relating to the order dated 25.03.2025 issued by the respondent under
Section 131 of the Tamil Nadu Panchayats Act, 1994 and quash the
same.

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For Petitioners : Mr.C.Munusamy

For Respondent : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

There are seven writ petitioners. Writ petitioners 1 to 3 and 5 to 7 have been visited with six separate notices from the respondent, all dated 25.03.2025 and all being notices under Section 131 of 'The Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21/94)' {hereinafter 'said Act' for the sake of convenience and clarity}. With regard to writ petitioner No.4 (Mr.Elumalai, S/o.Mr.Karuppan), no notice has been annexed however a notice addressed to one Mr.Ayyanar, S/o.Mr.Elumalai has been annexed. These seven notices shall now be collectively referred to as 'impugned notices'. Assailing the impugned notices, captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed.

2. Mr.C.Munusamy, learned counsel for writ petitioners adverting to the impugned notices submits that the writ petitioners are not encroachers and therefore the impugned notices ought not to have been issued.

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3. Issue notice to respondent.

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4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for sole respondent and submits on instructions that the impugned notices have been issued pursuant to an order dated 30.09.2024 made in W.P.No.28648 of 2025 filed by one Muthaiyan in which the first writ petitioner (Ms.Meena, W/o.Mr.Venkateswaran) is cited as R6.

5. Owing to limited scope of captioned main WP, main WP is taken up in the Admission Board with the consent of learned counsel on both sides.

6. Learned counsel for writ petitioners pointed out that he has enclosed aforementioned 30.09.2024 order and in that writ petition, the prayer does not refer to any specific survey number. In response to this, learned State counsel submitted that in W.P.No.28648 of 2024, learned State counsel made a representation based on instructions and the instructions advert to the survey numbers qua impugned notices. This submission is recorded.

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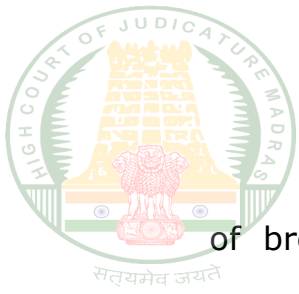


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7. Mr.C.Munusamy, learned counsel for writ petitioners submitted

that writ petitioner No.1 before us (Ms.Meena, W/o.Mr.Venkateswaran), who is R6 in W.P.No.28648 of 2024 was not heard qua 30.09.2024 order thereat. We are afraid we cannot entertain this argument as 30.09.2024 order in W.P.No.28648 of 2024 has been made by another Hon'ble Division Bench which is a coordinate co-equal Division Bench. To this, learned counsel for writ petitioners submitted that he will seek review of the order dated 30.09.2024 in W.P.No.28648 of 2024. We express no opinion on this but leave it open to the writ petitioner/s to pursue any such course if so advised and so desired.

8. Reverting to the impugned notices, learned counsel for writ petitioners submitted that the respondent is putting the writ petitioners under pain of dispossession/demolition and therefore it had become necessary to file the captioned WP. To this submission, learned State counsel responded by saying that impugned notices are only show cause notices and further coercive action (if any and if that be so) will be only by resorting to 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake



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of brevity} if at all and if that be so. This means that the writ petitioners after they respond to the impugned notices will be show caused if their response is not acceptable to the respondent i.e., show caused vide Section 7 of said 1905 Act.

9. To be noted, this Court has repeatedly held that 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 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.

10. This Court also vide order dated 17.04.2025 in W.P.No.13914 of 2025 has read into Section 131(2) of 'The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007' (hereinafter 'Tanks Act' for the sake of convenience and clarity).



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11. As the immediate anxiety of the writ petitioners stand doused and as the writ petitioners will now be show caused/given an opportunity, we deem it appropriate to say that it is open to writ petitioners to raise all the rights and contentions in replying to the impugned notices as well as when being further show caused under said 1905 Act. It is also open to the writ petitioners to seek review of the order dated 30.09.2024 in W.P.No.28648 of 2024 made by another Hon'ble Division Bench if so advised and so desired.

12. Captioned WP is disposed of in the aforesaid manner and as further coercive action if any and if that be so has been made subject to the writ petitioners' response to the impugned notices and further action under said 1905 Act, captioned writ miscellaneous petition(wmp) for stay has become otiose and the same is closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
23.04.2025

Index : Yes/No
Neutral Citation: Yes/No
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To

The President,
Puthirampattu Panchayat,
Sankarapuram Taluk,
Kallakurichi District.

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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