



W.P.No.18186 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.18186 of 2021

and

W.M.P.No.19415 of 2021

M/s.Sri Periyandavar Temple
Rep. by its Secretary
V.Sriramalu

... Petitioner

vs.

The Executive Officer
Special Grade Town Panchayat
Uthiramerur,
Kancheepuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the impugned notice in Na.Ka.No.290/2021 A1 dated 04.08.2021 issued under Sections 7 and 8 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 on the file of the respondent and to quash the same.

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For Petitioner : Mr.V.Vasanthakumar
For Respondent : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR, J.**]

The petitioner is before this Court challenging a notice dated 04.08.2021 issued by the sole respondent under Section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007) (hereinafter referred to as “the said Act” for the sake of brevity).

2. The primary contention of the petitioner is that the sole respondent lacks the authority to issue a notice under Section 7 of the said Act, as the provision specifically empowers only the officer referred to in sub-section (2) of Section 6 of the said Act to issue such a notice.

3. Mr. T.K. Saravanan, learned Additional Government Pleader appearing for the respondent, submitted that the sole respondent is vested with the authority under the said Act to issue the impugned notice calling



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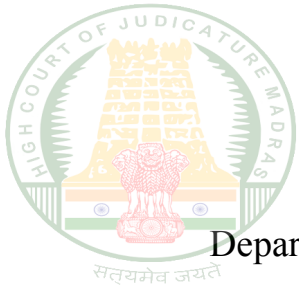
upon the petitioner to remove the alleged encroachment, and therefore, the notice cannot be said to be without authority of law.

4. The rival submissions of the learned counsel on either side have been considered.

5. The alleged encroachment pertains to a portion of land measuring 0.05.0 Ares in Survey No. 100, classified as 'Thangal', located in Kaakanallur Village, Uthiramerur, Kanchipuram District.

6. Sub-section (2) of Section 6 of the said Act provides that the Chart and the Register prepared under sub-section (1) shall be handed over to an officer of the Public Works Department (PWD), having control over such tanks, as may be specified by the Government.

7. Section 7 of the said Act empowers the officer referred to in sub-section (2) of Section 6 to issue a notice, if he is of the opinion that any person has encroached upon any land within the boundaries of the tank and such encroacher is liable to be evicted. The procedure for such notice is as prescribed under the Act. In the present case, the impugned notice was issued by the sole respondent, who is the Chief Executive Officer of the Special Grade Town Panchayat. He is not an officer of the Public Works



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Department and, therefore, cannot be construed to be an officer competent

to issue a notice under Section 7 of the said Act. Accordingly, the notice is vitiated on the ground of lack of jurisdiction.

8. In view of the foregoing, the Writ Petition is allowed. The impugned notice dated 04.08.2021 bearing reference Na.Ka.No.290/2021 A1 issued by the sole respondent is hereby quashed. Liberty is, however, reserved to the State to initiate appropriate proceedings in accordance with the provisions of the said Act or any other applicable law. Consequently, the Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

16.06.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To
The Executive Officer
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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