



WEB COPY

W.P.No. 22183 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM :

THE HON'BLE MR. JUSTICE M. SUNDAR
and
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P. No.22183 of 2025 and W.M.P. Nos.24959 of 2025

1. N. Balasubramanian
 2. Rathinambal
 3. P.Mohan
- Petitioners

vs.

1. The Thasildhar
Ariyalur Taluk
Ariyalur District
 2. The Special Officer/Block Development Officer
Walajah Nagaram Village Panchayat
Ariyalur Panchayat Union
Ariyalur 621 704
Ariyalur District
- Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorari to call for the records of
the 2nd respondent relating to eviction notice in Na.Ka.No.Oo.Se/005/
2005 dated .03.2025 (3 in number) and quash the same.

For petitioners	Mr. S. Kamadevan
For R1	Mr. M.S. Arasakumar Government Advocate
For R2	Mr. V. Ramesh Government Advocate



WEB COPY

W.P.No. 22183 of 2025



ORDER

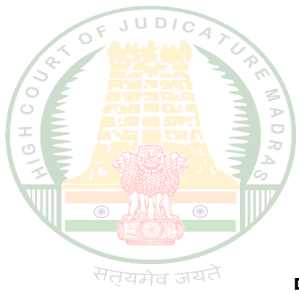
(made by M. SUNDAR, J.)

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed seeking issue of a writ of certiorari *qua* identical 'notices issued in March 2025 (signed on 12.05.2025) by R2 bearing reference Na.Ka.No.Oo/Se/005/2025' [hereinafter 'impugned notices' for the sake of convenience and clarity].

2. Mr. S. Kamadevan, learned counsel on record for writ petitioners, advertng to Section 131 of 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' [hereinafter 'said Act' for the sake of convenience and clarity], submits that there is no encroachment, the writ petitioners received the impugned notices on 28.05.2025, 15 day period elapsed, writ petitioners are now under pain of dispossession/demolition and that has necessitated the captioned WP.

3. Issue notice to respondents.

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for R1 and Mr. V. Ramesh, learned Government Advocate, accepts notice for R2.



WEB COPY

5. Learned State counsel submit in one voice that the impugned notices, *vide* serial no.2 in reference, refer to Section 131(1)(a) of said Act but the impugned notices, *per se*, are under Section 131(2). In other words, impugned notices are under Section 131(1)(a) read with Section 131(2), is learned State counsel's say.

6. Adverting to sub-section (2) of Section 131 of said Act, learned State counsel very fairly submit that if a noticee called upon to remove an encroachment (as done in the impugned notices) does not comply within the time frame mentioned in the notice (15 days in the case on hand), the Revenue authorities should resort to action under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act'). It is submitted that action under said 1905 Act by the Revenue authorities is in the anvil. This submission made by learned State counsel is recorded by this Court.

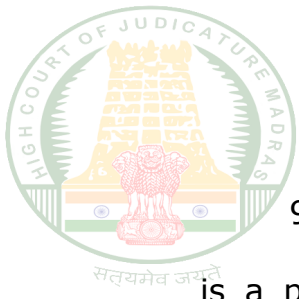
7. As regards the submission of learned counsel for writ petitioners that there is no encroachment and the encroachment alleged in the impugned notices, we express no view or opinion one way or the other and we preserve all the rights and contentions of the Revenue as well as writ petitioners *qua* drill under said 1905 Act, which, we are informed, is in the anvil. To put it differently, the first



WEB COPY

step *qua* said 1905 Act would be issuance of show cause notice under Section 7 to the writ petitioners and rights of the Revenue authorities to issue such notice are preserved and equally, all the rights and contentions of writ petitioners are preserved to respond to Section 7 notice. Thereafter, the matter will proceed on its own merits and in accordance with law.

8. In this regard, before proceeding further, it is deemed appropriate to write that this Court, in order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022 and W.M.P. Nos.8324 and 8237 of 2022 thereat, respectfully advertent to the **Girnar** principle, *i.e.*, declaration of law made by a Constitution Bench of the Hon'ble Supreme Court in **Girnar Traders (3) vs. State of Maharashtra** reported in **(2011) 3 SCC 1**, held that said 1905 Act is a self contained Code. To be noted, **Girnar** principle is one where Hon'ble Supreme Court declared the law as regards what would be a self-contained Code. It was held that a statute, which is a complete legislation with regard to the purpose for which it is enacted and provides for complete machinery to deal with purposes sought to be achieved by the statute with dependence on other legislations being absent or at best minimal, is a self-contained Code.



WEB COPY

9. In this context, as regards said 1905 Act, *inter alia*, 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. Such a three-tier machinery has been put in place to check unauthorised occupation of lands which are the properties of the Government by imposition of penal or prohibitory assessment or charge, after giving adequate and ample opportunity to a person who is alleged to be in occupation of public roads, streets, lanes and paths, bridges, ditches, dikes and fences, rivers, streams, nalas, lakes, tanks and such other properties of Government. Suffice to say that said 1905 Act is clearly a self-contained Code.

10. In the light of the narrative thus far, captioned main WP stands vastly descoped and therefore, with the consent of learned counsel for writ petitioners and learned State counsel for R1 and R2, captioned main WP is taken up.



WEB COPY

11. This Court is of the considered view that to give a closure to the captioned main WP, it will suffice to record the stated position of the learned State counsel (which we have done *supra*).

12. Captioned WP stands disposed of as closed, albeit with preservation of rights and contentions of both sides in the aforesaid manner. As further action, if at all and if that be so, will be after show causing the writ petitioners and going through the legal drill *qua* said 1905 Act, the anxiety of the writ petitioners is doused, captioned writ miscellaneous petition has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
20.06.2025

cad

Index : Yes/No

NC : Yes/No



W.P.No. 22183 of 2025



WEB COPY

To:

- 1 The Tahsildar
Ariyalur Taluk
Ariyalur District
- 2 The Special Officer/Block Development Officer
Walajah Nagaram Village Panchayat
Ariyalur Panchayat Union
Ariyalur 621 704
Ariyalur District



WEB COPY



W.P.No. 22183 of 2025

M. SUNDAR, J.

and

R. SAKTHIVEL, J.

cad

W.P. No.22183 of 2025

20.06.2025