



W.P.No.30559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

**W.P.No.30559 of 2025**

Pappammal

... Petitioner

Vs.

1.The District Collector,  
Collectorate,  
District Headquarters,  
Kallakurichi District.

2.The Tahsildar,  
Taluk Office,  
Kallakurichi Taluk and District.

3.The Block Development Officer,  
BDO Office, Thiyagadurgam Block,  
Kallakurichi District.

4.The Village President,  
Eeyanur Village Panchayat,  
Kallakurichi Taluk and District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice dated 12.05.2025 issued by the fourth respondent and to quash the same as illegal, ultra vires, arbitrary and unconstitutional and consequently direct the first

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respondent to consider the petitioner's representation dated 17.06.2025.

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For Petitioner : Mr.K.Thamizharasan  
for Mr.S.J.Raja Janakiraman

For Respondents : Mr.T.K.Saravanan,  
Additional Government Pleader  
for R1 and R2  
Mr.N.Naveen Kumar,  
Government Advocate  
for R3 and R4

**ORDER**

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) assails a 'notice signed by R4 (Village President, Eeyanur Village Panchayat, Kallakurichi Taluk and District) on 12.05.2025' (hereinafter 'impugned notice' for the sake of brevity, convenience and clarity) and it is a notice 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}.

2. Mr.K.Thamizharasan, learned counsel representing Mr.S.J.Raja Janakiraman, learned counsel on record for writ petitioner is before us.



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3. It is seen that a jurisdiction point arises as this Court vide

**Seethalakshmi case** being order dated 06.06.2025 made in W.P.No.11712 of 2024 and W.M.P.No.12800 of 2024 thereat has held that Village Panchayat Presidents do not have powers to issue Section 7 notices.

4. Issue notice to official respondents.

5. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 and R2 and Mr.N.Naveen Kumar, learned Government Advocate, accepts notice for R3 and R4. With the consent of learned counsel for writ petitioner and learned State counsel, captioned WP is taken up in the Admission Board itself.

6. Learned State counsel fairly submits that **Seethalakshmi case** would apply in all fours to the captioned matter. The sequitur is, impugned notice (signed by R4 on 12.05.2025) is quashed on the ground of lack of jurisdiction on the part of R4 to issue a notice under Section 7 of said 1905 Act. To be noted, impugned notice is not quashed on merits and we are quashing it only on jurisdictional point by applying **Seethalakshmi** principle.

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7. Be that as it may, learned State counsel submits that a fresh Section 7 notice has now been issued by R2 (Tahsildar, Kallakurichi Taluk and District), this fresh notice is dated 31.07.2025 and it has been affixed in the property concerned as according to learned State counsel, writ petitioner refused to receive the notice. We express no opinion on the alleged refusal and to give quietus, a copy of the 31.07.2025 Section 7 notice issued by R2 has now been furnished to Mr.K.Thamizharasan, learned counsel representing Mr.S.J.Raja Janakiraman, learned counsel on record for writ petitioner. To be noted, the fresh Section 7 notice calls upon writ petitioner to reply on or before 18.08.2025 but in the light of the trajectory the matter has taken now, we make it clear that it is open to the writ petitioner to respond within a fortnight from today i.e., on or before 02.09.2025. If the writ petitioner responds to the fresh Section 7 notice, all the rights and contentions are preserved. Post 02.09.2025, writ petitioner's response shall be considered and thereafter orders shall be passed under Section 6 of said 1905 Act. If the writ petitioner shall not respond within a fortnight, orders can be made under Section 6 of said 1905 Act post 02.09.2025.



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8. Coercive action (if any and if that be so) will be subject to and depending on Section 6 orders and further appeal/further revision, if any and if that be so.

9. In the light of the narrative thus far, captioned WP is allowed *albeit* with aforementioned observations, narrative, further directives and preservation of rights. There shall be no order as to costs.

(M.S.,J.)

(H.C.,J.)

19.08.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

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Kallakurichi Taluk and District.

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**M.SUNDAR, J.,  
and  
HEMANT CHANDANGOUDAR, J.,**

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