



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

WP No. 49087 of 2025

1. Raji

Petitioner(s)

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.

Respondent(s)

PRAYER

To call for the records pertaining to the impugned notice dated 12.05.2025 issued by the 4th respondent, and to quash the same as illegal, ultra vires, arbitrary, and unconstitutional, and consequently directing the 1st respondent to consider the petitioner's representation dated 18.06.2024.

For Petitioner(s): Mr.S.J.Raja Janakiraman



For Respondent(s): Mr.T.Arun Kumar
Additional Government Pleader For Rr1 - 4

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ORDER
(Order of the Court was made by S.M.Subramaniam J.)

The impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as “Act”) has been issued by President, Village Panchayat.

2. President, Village Panchayat is incompetent to invoke the provisions of the Act for eviction of encroachers from the panchayat land.

3. Executive authority or Commissioner, Village Panchayat are empowered to issue show-cause notice under Section 131(2) of the Tamil Nadu Panchayats Act, 1994. Show-cause notice may be issued by fixing time line for vacating the premises belongs to the panchayat. In the event of refusal by the encroachers, then the Commissioner or Executive Authority has to submit a report to the jurisdictional Tahsildar or competent authority under the provisions of the Act, who in-turn alone is empowered to initiate enforcement action and evict the encroachers by following the procedures as contemplated under the Act. However, President, Village Panchayat has no powers to invoke the provisions of the Act. Thus, the order impugned has been issued without jurisdiction.



4. Accordingly, impugned notice dated 12.05.2025 issued by the 4th respondent is quashed. However, President, Village Panchayat shall submit a report to the jurisdictional Tahsildar for initiation of eviction proceedings under the provisions of the Act and Tahsildar, on receipt of any such report has to proceed with the eviction proceedings by following the procedure.

5. With these directions, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
19-12-2025

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



To

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