



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUNDAR

W.P. No.25885 of 2025 and W.M.P.No.29107 of 2025

Neelamegam

Petitioner

vs.

The Block Development Officer  
Andimadam Panchayat Union  
Andimadam  
Ariyalur District

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the entire records relating to the order dated 24.06.2025 made in Na.Ka.No.A2/995/2025 on the file of the respondent and quash the same.

For petitioner Mr. Navaneethakrishnan  
for Mr. C. Munusamy

For respondent Mr. Abishek Murthy  
Government Advocate

**ORDER**

(made by M. SUNDAR, J.)

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorari assailing 'a notice dated 24.06.2025 bearing reference Na.Ka.No.A2/995/2025 issued by sole



respondent' [hereinafter 'impugned notice' for the sake of convenience and clarity].

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2. Adverting to impugned notice, Mr. Navaneethakrishnan, learned counsel representing Mr. C. Munusamy, learned counsel on record for writ petitioner, submits that the impugned notice has been issued by the sole respondent under Section 131(2) of 'the Tamil Nadu Panchayats Act, 1994 (Act 21 of 1994)' [hereinafter 'said Act' for the sake of convenience and clarity] but it gives 15 days time to the writ petitioner/noticee to remove the alleged encroachment and also says that the encroachment will be removed on 08.07.2025 if it is not removed by the writ petitioner/noticee. It is also submitted that the matter has not been precipitated on 08.07.2025.

3. Issue notice to the respondent.

4. Mr.Abishek Murthy, learned Government Advocate, accepts notice for the sole respondent and submits, on instructions, that in the light of the scope of sub-section (2) of Section 131 of the said Act and the language in which the same is couched, as the writ petitioner has not removed the alleged encroachment within the 15 days time frame, now, action will be initiated under 'the Tamil Nadu Land Encroachment Act (Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and



clarity], i.e., by issue of show cause notice under Section 7. This submission is recorded.

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5. We make it clear that we are not expressing any view or opinion one way or the other on the alleged encroachment and we leave open all the questions. We also make it clear that it will be open to the writ petitioner to respond to the Section 7 notice as and when the writ petitioner is visited with the same. In the same breath, we further make it clear that all the rights and contentions of the State also are preserved to commence proceedings under the said 1905 Act and take it to its logical conclusion on its own merits and in accordance with law.

6. Before proceeding further, it is deemed appropriate to write that this Court, in **C.Gopinathan** case reported in **2025:MHC:1162** (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 following **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. **Girnar** principle is that if a statute provides for a complete machinery to deal with the purpose sought to be achieved by that law and its dependence on other legislations is either absent or minimal, such a statute is a self- contained Code.



7. The eco-system of said 1905 Act, *i.e.*, the purpose sought to be achieved by said 1905 Act is to lay down a procedure for eviction of encroachment of lands belonging to the Government. 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 under section 6 (considering the cause shown). The order under Section 6 is appealable. Section 10 is the appeal provision and *inter alia* 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. This order of Revisional Authority is obviously subject to judicial review. This is the legal architecture of the machinery put in place to deal with the purpose sought to be achieved by 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 (besides 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.

8. The purpose sought to be achieved by said 1905 Act and the architecture of the machinery put in place to achieve the same, when tested



on the touchstone of **Girnar** principle, leaves us with the view that said 1905 Act is a self-contained Code which provides for complete machinery to deal with the purpose sought to be achieved with no dependence on other legislations or at the highest minimal dependence on other legislations. Suffice to say that said 1905 Act is clearly a self-contained Code.

9. In the light of the narrative thus far, the writ petitioner's anxiety that there might be coercive action *qua* alleged encroachment stands doused.

10. Captioned WP stands disposed of by recording the stated position of the learned State counsel and as writ petitioner's anxiety *qua* coercive action stands doused, captioned writ miscellaneous petition thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.

**(M.S., J.) (H.C., J.)**  
**17.07.2025**

cad  
Index : Yes/No  
NC : Yes/No



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W.P.No.25885



**M. SUNDAR, J.**

and

**HEMANT CHANDANGOUDAR, J.**

cad

To

The Block Development Officer  
Andimadam Panchayat Union  
Andimadam  
Ariyalur District

W.P.No.25885 of 2025

17.07.2025