



WEB COPY

WP.No.37419 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.37419 of 2025

and

WMP.No.4205 of 2025

1. Raja Nadesan
2. Santhi Athiyappan
3. Jayaraj Visvanathan
4. Rani Sellappa
5. Sumathi Senthilkumar
6. Saroja Anbalagan
7. Thenarasan Arumugam
8. Chandran
9. Valarmathi Murugesan
10. Chinnadurai Arumugam
11. Aruna S
12. Rajendiran periyasamy
13. Kaliyamoorthy
14. Manikandan Govindasamy
15. Chinappa Azhagan
16. Priya
17. Jeyalakshmi Devendran
18. Azhagammal Chinnappa
19. Indhumathi Pandiyan
20. Eshvaran Karuppusamy
21. Malliyambal Jeganathan
22. Enbavalli Anbalagan
23. Thangam Asaithambi
24. Ayyasamy Karuppusamy



WP.No.37419 of 2025

25.Palanisamy K,
26.Selladurai M
27.Duraikannu P.
28.Elamathi V
29.Latha
30.Sudharani

... Petitioners

Vs.

1. The State of Tamil Nadu
represented by the Principal Secretary to Government
Department of Rural Development and Panchayat Raj,
Secretariat, Chennai-600 009.
2. The District Collector,
Ariyalur District,
Ariyalur.
3. The District Revenue Officer,
Ariyalur District,
Ariyalur.
4. The Tahsildar
Ariyalur Taluk
Ariyalur District
5. The Block Development Officer,
Ariyalur Panchayat Union
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned notice Na.Ka.No.Oo.Se/005/2025 dated 21.04.2025 caused by the 5th respondent and quash the same and direct the respondents to segregate Survey Number 181 in No.44 Thelur Village in Ariyalur Taluk in Ariyalur District, Tamil Nadu admeasuring Hectare 05 Ares 52.50 into water course and land portions, and reclassify the land portion as tharisu land; and pass such other orders and directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.



WP.No.37419 of 2025

WEB COPY

For Petitioners : Mrs.S.Parthi

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

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

The Writ on hand has been instituted to assail the notice issued by the Special Officer/Block Development Officer, Thelur Panchayat.

2. The Executive Authority/Block Development Officer identified encroachments in water body. As per the respondent, the subject property has been classified as “Vaari” [small branch of Canal]. Thus, action has been initiated under Section 131 of the Tamil Nadu Panchayats Act. The Executive Authority or the Commissioner, Panchayat is empowered to initiate proceedings, if any encroachments are identified within his territorial jurisdiction. On receipt of notice, the noticee is expected to submit explanations along with the documents if any, enabling the Authority to consider. Thereafter, if the Authority is not satisfied, he has to submit a detailed report to the Revenue Authority/jurisdictional Tahsildar for initiation of eviction proceedings under the provisions of the Tamil Nadu Land



WP.No.37419 of 2025

Encroachment Act, 1905. The Commissioner or Executive Authority, under the provisions of the Act cannot proceed with the eviction proceedings. In the present case, notice has been issued under Section 131 of the Tamil Panchayats Act. The said notice *per se* would not provide any cause for institution of writ proceedings. Writ petitions filed challenging the notice is not entertainable unless it has been issued by an incompetent authority or tainted with the allegations of *mala fide*.

3. In the present case, the writ petition since filed challenging the notice issued under Section 131 of the Tamil Nadu Panchayat Act, it is not entertained. However, the petitioners are at liberty to submit their respective explanations along with the documents if any, to the competent authority who in turn look into the same and thereafter, submit a report to the Revenue Authority under Section 131 of the Act for initiation of the eviction proceedings under the relevant provisions of the Act. Since it is the water body, the Block Development Officer/Special Officer has to submit his report to the appropriate Authority to initiate eviction proceedings. On receipt of the report, the appropriate authority shall institute eviction proceedings, by affording opportunity to all the encroachers and thereafter, complete the eviction proceedings, within a period of four(4) months from the date of



WP.No.37419 of 2025

receipt of a copy of this order.

WEB COPY

4. With the above observations, this writ petition stands disposed of.

No costs. Consequently, connected WMP is also closed.

[S.M.S., J.] [C.K., J.]

01.12.2025

(3/3)

kmi

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Principal Secretary to Government
State of Tamil Nadu
Department of Rural Development and Panchayat Raj,
Secretariat, Chennai-600 009.
2. The District Collector,
Ariyalur District,
Ariyalur.
3. The District Revenue Officer,
Ariyalur District,
Ariyalur.
4. The Tahsildar
Ariyalur Taluk
Ariyalur District
5. The Block Development Officer,
Ariyalur Panchayat Union
Ariyalur District.



WEB COPY



WP.No.37419 of 2025

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

kmi

WP.No.37419 of 2025

01.12.2025
(3/3)