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W.P. No. 25773 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

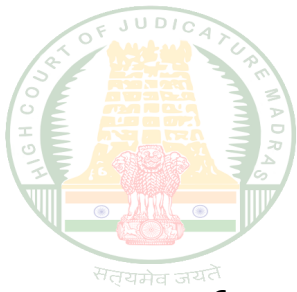
W.P. No. 25773 of 2025 and W.M.P. No.28972 of 2025

S.B.Bowmesh

Petitioner

vs.

1. The Panchayat President
Urapakkam Village, Vandalur Taluk
Chengalpattu 603 210
2. The Tahsildar
Vandalur Taluk
Chengalpattu Taluk 603 210
3. The Village Administrative Officer
Urapakkam Village
Vandalur Taluk
Chengalpattu District 603 210
4. The Revenue Inspector
Vandalur Taluk
Chengalpattu District 603 210
5. Abirami Nagar, Vaigai Nagar
Priya Nagar-1 and Priya Nagar-2 Welfare Association
(Reg. No.28/2007)
Rep. by its President
Plot No.57, Abirami Nagar
Urapakkam
Chennai 603 210



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6. The Collector
Chengalpattu District
Chengalpattu 603 111

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 1st respondent, leading to the issuance of the Notice dated 07.07.2025 and quash the same and consequently, direct the 6th respondent to dispose of the appeal dated 12.06.2025 filed by the petitioner on the file of the 6th respondent under the provisions of the Tamil Nadu Land Encroachment Act, 1905, within a time frame.

For petitioner	Mr. B. Arvind Srevatsa
For RR1 to 4 & 6	Mr. C. Kathiravan Special Govt. Pleader

ORDER

[made by HEMANT CHANDANGOUDAR, J.]

The captioned Writ Petition has been filed challenging the notice dated 07.07.2025, issued by the Panchayat President/Executive Officer of Urappakkam Village, Vandalur Taluk, Chengalpattu – 603210 (first respondent herein), calling upon the petitioner to remove the alleged encroachment in Survey No.76/40, said to be classified as wetland (nanjai) measuring 0.01.7 acres, situated in Urappakkam Panchayat.

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2. The petitioner contends that by the impugned notice, he has been threatened with demolition of the superstructure erected on the said land, scheduled to be carried out on 17.07.2025 at 11.00 a.m. This, according to the petitioner, is contrary to the provisions of Section 131(2) of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as "the Act"). The petitioner further submits that a similar notice was earlier issued under Section 7 of the Tamil Nadu Land Encroachment Act (hereinafter "the LE Act"), followed by an order under Section 6 of the LE Act, against which an appeal has been filed and is currently pending before the sixth respondent.

3. Issue notice to the official respondents.

4. Mr. C. Kathiravan, learned Special Government Pleader, accepts notice for respondents 1 to 4 and 6, and upon instructions, submits that the impugned notice issued by the first respondent is in conformity with Section 131(2) of the Act.



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5. It is not in dispute that the petitioner was issued a notice under Section 7 of the LE Act, followed by an order under Section 6 of the LE Act. It is also not in dispute that the said order was earlier challenged before this Court in W.P. No.4025 of 2025, which was dismissed by a Division Bench of this Court by order dated 10.02.2025 (in which one of us, M. Sundar, J., was a member), relegating the petitioner to avail the statutory remedy of appeal under Section 10 of the LE Act.

6. Pursuant to the aforesaid order, the petitioner filed an appeal before the sixth respondent on 12.06.2025, along with an application seeking condonation of delay of 92 days, and a request for interim stay under Section 10-B of the LE Act. While the said appeal and applications are pending, the impugned notice came to be issued by the first respondent.

7. Section 131(2) of the Act empowers the Executive Authority or Commissioner concerned to, suo motu or based on a report from the Village Administrative Officer, initiate proceedings to remove encroachments within such time as may be specified by the



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Government through a general or special order. If the encroachment is not removed within the stipulated time, officers of the Revenue Department are required to initiate proceedings under the LE Act.

8. In the present case, the first respondent has issued the impugned notice threatening demolition of the superstructure without taking recourse to the procedure under the LE Act. We, therefore, have no hesitation in holding that the impugned notice is not in conformity with the procedure laid down under law.

9. Further, it is evident that a similar order under Section 6 of the LE Act has already been passed and is under challenge in a statutory appeal, which is pending consideration. In such circumstances, issuance of the impugned notice during the pendency of the appeal is not legally sustainable.

10. In view of the foregoing, we are of the considered view that the impugned notice dated 07.07.2025 issued by the first respondent is liable to be and is hereby set aside. Accordingly, the certiorari limb of the prayer is allowed.



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11. As regards the mandamus limb, the sixth respondent is directed to consider the petitioner's request for condonation of delay of 92 days in filing the appeal dated 12.06.2025, and pass appropriate orders thereon within four (4) weeks from today, i.e., on or before 12.08.2025. In the event the delay is condoned, the sixth respondent shall consider and dispose of the petitioner's request for interim stay of the order dated 03.01.2025, impugned in the appeal, within a further period of four (4) weeks therefrom, i.e., on or before 09.09.2025.

12. It is made clear that any coercive action, if initiated, shall be subject to the outcome of the applications for condonation of delay and interim stay under Section 10-B of the LE Act.

13. This Writ Petition stands disposed of on the above terms. Consequently, the connected Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
15.07.2025

cad
Index: Yes/No
N.C. : Yes/No

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Chengalpattu Taluk 603 210
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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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