



WEB COPY



W.P. No.27207 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM:

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

W.P. Nos.27207 of 2025 and W.M.P. No.30558 of 2025

M. Kirubakaran

Petitioner

vs.

1. The District Collector  
Kallakurichi  
Kallakurichi District
2. The Tahsildar  
Taluk Office  
Chinnasalem  
Kallakurichi District
3. The Block Development Officer  
Block Development Office  
Chinnasalem  
Kallakurichi District
4. The President  
Koogaiyur Village Panchayat  
Chinnasalem  
Kallakurichi District
5. Selvaraj
6. Kaliyaperumal

Respondents

Writ Petition filed under Article 226 of the Constitution of India  
seeking a writ of certiorarified mandamus calling for the records

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relating to the impugned notice dated Nil. 10.2023 in Na.Ka.No.A1/3090/2023 and impugned order dated Ni.07.2024 in Na.Ka.No.A1/3090/2023 issued by the fourth respondent under Sections 7 and 6 of Land Encroachment Act, 1905 respectively and the consequential notice issued by the third respondent dated 12.06.2025 in Na.Ka.No.D1/3090/2023, quash the same and consequently, direct the respondents 1 to 3 not to interfere with the petitioner's possession and enjoyment of the land measuring an extent of 07 cents comprised in Survey No.131/1A situated at Koogaiyur Village, Chinnasalem Taluk, Kallakurichi and further direct the first respondent to issue patta in the name of the petitioner based on the petitioner's representation dated 11.12.2023.

|                |                                               |
|----------------|-----------------------------------------------|
| For petitioner | Ms. R. Divyapreathika                         |
| For RR 1 & 2   | Mr. T.K. Saravanan<br>Addl. Govt. Pleader     |
| For RR 3 & 4   | Mr. L.S.M. Hasan Fizal<br>Addl. Govt. Pleader |

### **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 certiorarified



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mandamus *inter alia* assailing 'a notice dated Nil. 10.2023 bearing reference Na.Ka.No.A1/3090/2023 and a notice/order dated Nil.07.2024 bearing reference Na.Ka.No.A1/3090/2023, both issued by R4 (President, Koogaiyur Village Panchayat) under Sections 7 and 6 of 'the Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity] respectively' [hereinafter 'impugned orders' for the sake of convenience and clarity] and also the 'consequential notice dated 12.06.2025 issued by R3 (Block Development Officer) bearing reference Na.Ka.No.D1/3090/2023' [hereinafter 'consequential impugned notice' for the sake of convenience and clarity].

2. Though multiple grounds have been raised in the writ affidavit, we find that R4 does not have competence to issue the impugned orders.

3. A careful perusal of the language in which Section 7 of said 1905 Act is couched, makes it clear that a notice under Section 7 can be issued only by 6 categories of authorities and they are:



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- i. Collector;
- ii. Tahsildar;
- iii. Deputy Tahsildar;
- iv. Revenue Inspector;
- v. Authorized officer; and
- vi. Specified Officer other than authorized officer.

4. Likewise, a perusal of Section 6 of said 1905 Act makes it clear that only the following authorities are empowered to issue notice under Section 6 of said 1905 Act:

- i. Collector;
- ii. Tahsildar subject to control of Collector;
- iii. Deputy Tahsildar subject to control of Collector; and
- iv. Authorized officer being any other officer authorized by the State Government in this behalf, *i.e.*, 'authorised officer' subject to the control of the Collector.

5. There is no dispute before this Court that R4 does not qualify as an 'authorised officer' within the meaning of Section 6 of said 1905 Act and also as a 'specified officer other than authorized officer' within the meaning of Section 7 of said 1905 Act. Therefore, we interfere with the impugned orders on the short point, *i.e.*, jurisdiction point. In this view of the matter, this Court has no hesitation in writing that the impugned orders deserve to be dislodged. Therefore, we quash the impugned orders.



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6. As regards consequential impugned notice, inasmuch as the impugned orders have been quashed on the short point of lack of jurisdiction, consequential impugned notice which is an offshoot of impugned orders, should also meet the same fate. Accordingly, consequential impugned notice is also quashed. However, we make it clear that rights of the State are preserved to commence proceedings under said 1905 Act. Axiomatically, all questions raised by the writ petitioner in the writ support affidavit are left open for being raised by the writ petitioner if proceedings are initiated by the State under said 1905 Act.

7. Captioned main WP stands disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

**(M.S., J.) (H.C., J.)**  
**23.07.2025**

cad  
Index : Yes/No  
NC : Yes



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**M.SUNDAR, J.**

and

**HEMANT CHANDANGOUDAR, J.**

cad

To:

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