



W.P.No.29989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.29989 of 2024

V.G.Loganathan
S/o.Govindasamy

... Petitioner

vs.

1. The District Collector
Villupuram District.
2. The Revenue Divisional Officer
Villupuram.
3. The Thasildar
Villupuram.
4. The Block Development Officer
Block Development Office
Kandamangalam.
5. The Village Administrative Officer
Motchakulam Village & Post
Villupuram District.
6. The President
Motchakulam Panchayat
Motchakulam Village & Post
Villupuram District.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents to remove the encroachments made in the poramboke lands (Eari Poramboke, Road Poramboke and Kalam Poramboke) comprised in Survey Nos.27, 27/1 and 27/2 in Mothcakulam Village, Villupuram District pursuant to the 3rd respondent's proceedings made in Na.Ka.Aa.2/9818/2017 dated 30.11.2017 and that of the 4th respondent's proceedings made in Na.Ka.Aa2/0475/2015 dated 19.02.2018 on the basis of the representation dated 02.06.2023 and to restore the water body in its original position.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R3 & R5
Mr.M.Habeeb Rahman, for R4
R6 - No appearance

ORDER

[Order of the Court was made by M. SUNDAR, J.]

Subject matter of the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, clarity and convenience} is 'lands comprised in 165, Motchakulam Village, Villupuram Taluk, Villupuram District' {hereinafter 'said lands' for the sake of convenience and clarity}.



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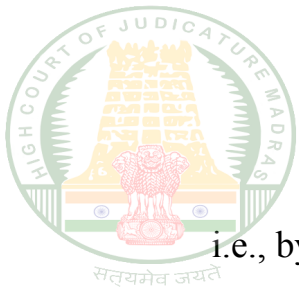
2. Mr.L.Chandrakumar, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R3 & R5 and Mr.M.Habeeb Rahman, learned counsel for R4 are before us.

3. Pursuant to earlier proceedings, R4 has filed a status report dated 15.03.2025 and R3 has filed a counter affidavit dated 22.11.2024.

4. From the submissions made by both sides and affidavit and counter affidavit i.e., case file as a whole, it comes to light that S.No.27 was subdivided into S.Nos.27/1 and 27/2 which has been referred to as said lands.

5. Adverting to the counter affidavit, learned State Counsel submits that R3 had filed reports on 12.11.2024, encroachments qua said lands have been noticed and notices under Section 131(2) of the 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' {hereinafter 'Panchayats Act' for the sake of brevity, convenience and clarity} have been issued.

6. In the light of the language in which Section 131(2) of Panchayats Act is couched, learned State Counsel submits that action will now be commenced under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}



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i.e., by issue of show cause notices under Section 7 of said 1905 Act.

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7. Learned State Counsel submits that notices under Section 7 of said 1905 Act will be issued to the alleged encroachers within four weeks from today i.e., 07.07.2025. This submission of learned State Counsel is recorded as an undertaking given to this Court.

8. As regards noticees, though obvious we make it clear that all rights and contentions of noticees will stand preserved for sending suitable replies / responses to Section 7 notices and then the same shall be considered on its own merits and in accordance with law.

9. Following ***Girnar*** Principle i.e., ***Girnar Traders (3) Vs. State of Maharashtra*** reported in (2011) 3 SCC 1, this Court has repeatedly held that said 1905 Act is a self contained code. This is vide ***order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022*** reported in Neutral Citation [2025:MHC:1162] and relevant paragraph is paragraph No.7 which reads as follows:

'7. In Girnar Traders (3) Vs. State of Maharashtra reported in (2011) 3 SCC 1, a Constitution Bench of Hon'ble Supreme Court declared the law qua self contained Code and held that a statute which is a complete legislation with regard to the purpose for which it is enacted and provides for complete machinery to deal with purposes sought to be achieved by law with dependence on other legislations being absent or at best is minimal is a self



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*contained Code. Applying **Girnar** principle, this Court has repeatedly held that said 1905 Act is a self-contained Code. The reason inter-alia is that there is a provision to have the alleged encroacher show caused under Section 7 of said 1905 Act followed by an order (considering the cause shown). The order under Section 6 is appealable under Section 10 [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. Therefore, said 1905 Act is a self-contained Code in every sense of the expression.'*

10. Therefore, proceedings to be commenced within four weeks from today in the aforesaid manner shall continue on its own merits and in accordance with law as per said 1905 Act which is a self contained code and it will obviously be carried to its logical end.

Captioned WP with a mandamus plea is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.J.,)

(P.D.B.J.,)

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

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**M.SUNDAR, J.,
and
P.DHANABAL, J.,**

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