



WEB COPY

WP No. 39310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE S. SOUNTHAR

WP No. 39310 of 2025 AND
WMP Nos.44143 and 44145 OF 2025

M.C.Venkatesan
S/o.Siddappan, Kolliamedu, Asanampatti Village,
Anaicattu Taluk, Vellore District.

..Petitioner

Vs

1. The District Collector
Vellore, Vellore District.
2. The Revenue Divisional Officer
Anaicattu Taluk, Vellore, Vellore District.
3. The Thasildar
Anaicattu Taluk, Vellore, Vellore District.
4. The Block Development Officer
Anaicattu Panchayath Union, Anaicattu, Vellore
District.
5. The Deputy Superintendent Of Police
Anaicattu, Vellore District.
6. The Inspector Of Police
Vepamkuppam Police Station, Anaicattu Taluk,
Vellore District.
7. Kuppan
S/o.Srinivasan, No.3/26, Ramaswamy Street,
Asanambattu Village, Anaicattu Taluk, Vellore
District.

..Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the record of the impugned order in Na.Ka. No.A8/ 1856/ 2024 dated 02.04.2025 and Na.Ka. No.A8/ 890/ 2025 dated 02.07.2025 on the file of the 4th respondent and quash the same.

For Petitioner : Mr.R.Rajarajan
For Respondent(s): Mr.E.Vijay Anand,
Additional Government Pleader
-For R1 To R4
Mr.M.Babu Muthu Meeran
Additional Public Prosecutor
-For R5 And R6

Order

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for herein is for a Writ of Certiorari to call for the record of the impugned order in Na.Ka. No.A8/ 1856/ 2024 dated 02.04.2025 and Na.Ka. No.A8/ 890/ 2025 dated 02.07.2025 on the file of the 4th respondent and quash the same.

2. In respect of the land at S.No.76, Asanambattu Village, Anaicattu Panchayat Union, Vellore District, there has been a proceedings issued by the Block Development Officer of the Anaicattu Panchayat Union ie., the 4th respondent herein on 02.04.2025 seeking to remove the alleged encroachment made on the part of the petitioner. That is under challenge in the present writ petition on the ground that while issuing the said proceedings dated 02.04.2025, the Block Development Officer has stated that it was the proceedings under Section 6 of the Land Encroachment Act (hereinafter referred to as 'the Act'),



whereas such a provision can be invoked only by the revenue authorities viz., the Tahsildar and not by the Block Development Officer and therefore the proceedings dated 02.04.2025 which is impugned herein is vitiated.

2. We have also heard Mr.E.Vijay Anand, learned Additional Government Pleader for the respondents 1 to 4 and Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor for the respondents 5 and 6.

3. Insofar as the proceedings dated 02.04.2025 is concerned, yet another objection has been raised by the learned counsel for the petitioner that, before issuing the proceedings which is styled as Section 6 proceedings, no prior notice has been given as contemplated under Section 7 of the Act, assuming that the Block Development Officer has got the power under Section 7 of the Act.

4. We have considered these two grounds raised on behalf of the petitioner. We have also gone through Section 131 of the Tamil Nadu Panchayats Act 1994 (In short 'Panchayats Act'), where, sub-section (2) makes it clear that, it shall be the duty of the Village Administrative Officer of every revenue village to report on encroachments on properties vested in Village Panchayats or Panchayat Union Councils to the Executive Authority or the Commissioner concerned and to the officer of the Revenue Department and it shall be the duty of the Executive Authority or the Commissioner concerned either suo motu or on obtaining a



report from the Village Administrative Officer in this regard to institute proceedings under this Act.

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5. Here in the case in hand, though the proceedings dated 02.04.2025 has mentioned as if that was issued under Section 6 of the Act, as per the provisions of Section 131 especially Section 131(2) of the Panchayats Act, such power is vested either with the Executive Authority of the Village Panchayat, who is none other than the elected President of the Village Panchayat or the Commissioner of the Panchayat Union, who is none other than the Block Development Officer.

6. It is an admitted fact that, as of now there is no elected president in the Villge Panchayat, as their term has already been over. Therefore, those powers are exercised only by the Block Development Officer and hence he can very well invoke Section 131(2) of the Panchayats Act to initiate such proceedings if it is found that there is encroachment in the property belonging to the Village Panchayat either in public road or otherwise.

7. The second objection raised by the petitioner is that, even assuming that the Block Development Officer is empowered to issue such a proceedings under Section 131(2) of the Panchayats Act, before taking any final decision on removal of encroachment, notice should have been given by giving an opportunity to the



alleged encroacher ie., the petitioner herein and such a notice since has not been given, even on that ground the proceedings dated 02.04.2025 is vitiated.

8. Insofar as this ground is concerned, we are of the view that the proceedings dated 02.04.2025 can very well be treated as a show cause notice issued by the Block Development Officer within the meaning of Section 131(2) of the Panchayats Act and it is open to the petitioner to give reply to the show cause notice within a period of two weeks from the date of receipt of a copy of this order.

9. In that view of the matter, this writ petition is disposed of with the following orders:

- (a) The impugned proceedings dated 02.04.2025 shall be construed as proceedings issued by the Block Development Officer within the meaning of Section 131(2) of the Panchayats Act and it shall also be treated as a show cause notice, which shall be replied by the petitioner within a period of two weeks from the date of receipt of a copy of this order.
- (b) On receipt of such a reply, on considering the same the 4th respondent viz., the Block Development Officer shall pass necessary orders as to the removal of such encroachment or otherwise on merits and in accordance with law within a period of two weeks from the date of receipt of such reply from the petitioner.



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(c) It is needless to mention that, till such final order is passed, no coercive steps shall be taken to remove such alleged encroachment made by the petitioner.

10. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.,J.)
22-10-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



To

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