



WEB COPY



W.P.No.42025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.42025 of 2025 and

W.M.P.No.47075 of 2025

M/s.JK Properties
Rep. by its Sole Proprietor,
Mr.J.Jayakrishnan,
No.19, Vellaiyan Street,
Kotturpuram, Chennai.

... Petitioner

-VS-

The Chairman,
Ottiyambakkam Gram Panchayat Office,
Ottiyambakkam Main Road,
Tambaram Taluk,
Ottiyambakkam – 600 130.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for records and quash the impugned notice dated 07.10.2025 issued by the respondent.

For Petitioner : Mr.Ganesan

For M/s.Colonel and Ganesan Asso.

For Respondents : Mr.T.Arun Kumar

Addl. Govt. Pleader

ORDER

(By.S.M.SUBRAMANIAM,J.,)

The notice dated 07.10.2025 issued by the President,
Ottiyambakkam Gram Panchayat under Section 131(2) of the Tamil Nadu



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Panchayat Act, 1994 (in short 'the Panchayat Act, 1994) is under challenge in this Writ Petition.

2. The learned counsel for the petitioner would submit that the petitioner is in possession of four items of properties and a wrong facts are placed as if the petitioner is not in possession.

3. Be that as it may, this Court is of the view that the impugned proceedings is a Notice issued under Section 131(2) of the Panchayat Act, 1994. No writ would lie against such notice, unless it has been issued by an incompetent authority having no jurisdiction, tainted with the allegations of malafide. The petitioner has already submitted its explanation along with documents. On receipt of any such explanation, the President, Ottiyambakkam Gram Panchayat may initiate action under Section 131(2) of the Panchayat Act and for conclusion of the eviction proceedings, he has to submit a report to the jurisdictional Tahsildar, who, in turn is bound to initiate eviction proceedings by invoking the provisions of the Tamil Nadu Encroachment Act, 1905.

4. In this case, the petitioner has already submitted the explanation and not vacated the public property. Thus, the President,



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Ottiyambakkam Gram Panchayat shall submit a report to the jurisdictional Tahsildar for institution of eviction proceedings under the Tamil Nadu Land Encroachment Act, 1905 by following procedures as contemplated. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. The connected Miscellaneous Petition is also closed.

(S.M.S,J.,) (C.K,J.,)
01.12.2025

Index: Yes
Internet: Yes / No
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To:

The Chairman,
Ottiyambakkam Gram Panchayat Office,
Ottiyambakkam Main Road,
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