



W.P.No.48881 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.48881 of 2025

and

W.M.P.No.54594 of 2025

C.Vediappan

... Petitioner

-VS-

The Executive Officer,
Town Panchayat, Palacode,
Dharmapuri District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in proceeding No.Na.Ka.No.347/2025/A2 dated 04.11.2025, 25.11.2025, quash the same and consequently direct the respondent not to disturb peaceful enjoyment of the property.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.R.Neethi Perumal
Government Advocate



W.P.No.48881 of 2025

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

A memo dated 04.11.2025 issued by the Executive Officer, Town Panchayat, Palacode, Dharmapuri District is under challenge in the present Writ proceedings.

2. The Executive Officer, Town Panchayat during field inspection identified encroachments in the property that belongs to Town Panchayat. The petitioner encroached upon the Panchayat property and constructed a building. Thus, the impugned notice came to be issued.

3. The learned counsel for the petitioner would submit that a legal notice has been sent to the Executive Officer by the lawyer representing the petitioner. Such legal notice has been issued in view of the fact that no opportunity was given to the petitioner to submit his explanation.

4. Such submission is contrary to the scheme contemplated for removal of encroachment under the Tamil Nadu Panchayat Act, 1994 [hereinafter referred to as "Panchayat Act."]. Section 131 of the Panchayat Act provides prohibition against obstructions in or over public roads etc., Sub-Section (2) to Section 131 reads as under:



W.P.No.48881 of 2025

(2) 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 motto or on obtaining a report from the Village Administrative Officer in this regard to institute proceedings under this Act and secure the removal of the encroachments within such time as may be specified by the Government by general or special order. If the removal of the encroachments has not been secured within the period specified in such order, the officers of the Revenue Department shall institute proceedings under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) and secure such removal.

5. In view of the above provision, the Executive Officer or the Commissioner is empowered to issue notice to the encroachers for removal of encroachment by fixing timeline. In the even of failure on the part of the encroachers to remove the encroachment, the Executive Officer or the Commissioner concerned is duty bound to submit a report to the competent Authority under the provisions of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "Land Encroachment



W.P.No.48881 of 2025

Act”], who in turn is empowered to initiate enforcement action for removal of encroachment by following the procedures as contemplated under the Land Encroachment Act.

6. This being the scheme contemplated under Section 131 of the Panchayat Act, notice issued by the Executive Officer would provide no cause for institution of Writ proceedings. It is an initial opportunity granted to the encroachers to remove the encroachments from the Panchayat property. If the encroachers failed to vacate the encroachments, then the Executive Officer has to submit a report to the competent Authority for initiation of enforcement action to evict the encroachers under the provisions of the Land Encroachment Act.

7. In the present case, the legal notice has no sanctity nor supported by any authority of law. However, the petitioner is at liberty to submit his representation or explanation along with documents, if any, within period of ten (10) days from today to defend his case. On receipt of any such explanation along with documents, the Executive Officer shall consider the same and thereafter take decision and submit a report to the competent Authority to invoke the provisions of the Land Encroachment Act.



W.P.No.48881 of 2025

WEB COPY

8. With these observations, the Writ Petitions stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.) (C.K,J.)
17.12.2025

Index: Yes / No
Internet: Yes / No
dsa

To:

The Executive Officer,
Town Panchayat, Palacode,
Dharmapuri District.



WEB COPY



W.P.No.48881 of 2025

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

dsa

W.P.No.48881 of 2025

17.12.2025