



W.P.(MD) No.4680 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) No.4680 of 2025
and
W.M.P.(MD) Nos.3368 & 3371 of 2025**

1.Gabriel Anburaj @ Gabriel

2.Alfred Raj alias Albert Annaraj

... Petitioners

-VS-

1.The District Collector
of Kanyakumari
at Nagercoil
Kanyakumari District

2.The Tahsildar of Killiyoor
at Tholayavattam
Kanyakumari District

3.The Village Administrative Officer
Karungal
Kanyakumari District

4.Karungal Selection Grade'

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Town Panchayat
at Karungal
Kanyakumari District
represented by its Executive
Officer / Commissioner

5.M.Amal Raj

6.Lyla

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the fourth respondent pertaining to its orders in its notice in Na.Ka.No.49/2022/A2, dated 21.08.2024, its subsequent notices in Na.Ka.No.49/2022/A2, dated 31.08.2024, its subsequent notices in Na.Ka.No.49/2022/A2, dated 24.09.2024, its subsequent notices in Na.Ka.No.49/2022/A2, dated 25.10.2024, and its final notices in Na.Ka.No.49/2022/A2, dated 04.12.2024, quash the same.

For Petitioners : Mr.K.N.Thampi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.S.S.Madhavan
Additional Government Pleader for R4
Mr.S.Suresh Manickam for R5 & R6

ORDER



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

The notices issued by the Executive Officer of Karungal Selection Grade Town Panchayat, are under challenge in this writ petition.

2. The authorities concerned have identified the encroachments in the vested properties, which belong to the Government and falling within the territorial jurisdiction of Karungal Selection Grade Town Panchayat. Since the said Government land is falling within the territorial jurisdiction of the Selection Grade Town Panchayat, notice under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, was issued to the petitioners affording an opportunity to them to submit their explanation.

3. Enforcement actions had been initiated long back and the encroachers are in occupation of the Government land by filing multiple litigations / petitions. Notices were issued repeatedly on 21.08.2024, 31.08.2024, 24.09.2024, 25.10.2024 and a final notice on 04.12.2024, which are impugned in the present writ petition. The petitioners submitted explanation during January, 2025 seeking time to collect documents. Even thereafter, they have not produced any document to the authorities concerned



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to establish their rights. Since the subject land is a Government land, the authorities concerned have afforded an opportunity to the petitioners enabling them to submit the documents, if any, available with them.

4. Learned counsel for the petitioners would submit that the petitioners are possessing B-Memo.

5. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit the said B-Memo was cancelled subsequently, since it was erroneously granted.

6. As on date, the petitioners are encroachers of a Government land, which is falling within the territorial jurisdiction of Karungal Selection Grade Town Panchayat. Thus, the Executive Officer of Karungal Selection Grade Town Panchayat is vested with the powers under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, and issued notice for removal of encroachments. In the counter affidavit, the Executive Officer has relied on the consistent decision of this Court reported in **AIR MAD 311** for the purpose of protecting the ponds, water bodies etc., for posterity. The Full Bench of this



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Court in ***T.K.Shanmugam vs. State***, reported in **2015 (2) CWC 849**, held that even the tanks, which do not fall within the purview of the Tamil Nadu Protection of Tanks Act, 2007, also require protection from encroachment by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905.

7. In the present case, the subject land falls within the jurisdiction of a Selection Grade Town Panchayat and therefore, action was initiated under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998. This Court do not find any infirmity in the action initiated by the Executive Officer. Repeated notices had already been issued to the petitioners and sufficient opportunities were afforded to them. That being the position, the authorities concerned are directed to proceed with the enforcement action to remove the encroachments and to protect the Government lands for the public purpose or to implement the Government welfare schemes.

8. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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