

W.P.(MD)No.17369 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.17369 of 2025

Lazor

... Petitioner

Vs.

- 1.The District Collector / Monitoring Committee,
O/o. The District Collectorate,
Kanyakumari District.
- 2.The District Revenue Officer,
Kanyakumari District, at Nagercoil.
- 3.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Revenue Divisional Office,
Thuckalay, Kanyakumari District.
- 5.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.



W.P.(MD)No.17369 of 2025

6.The Block Development Officer,
Munchirai Panchayat Union,
Munchirai, Kanyakumari District.

7.The President,
Vavarai Village Panchayat,
Kanyakumari District.

8.A.P.Ida

...Respondents

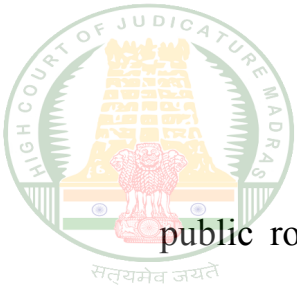
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment made by the 8th respondent in the public road in S.No.158/3 of Arudesom Village, Killiyoor Taluk, Kanyakumari District based on the representation of the petitioner dated 20.12.2024 within a stipulated time as fixed by this Court.

For Petitioner	: Mr.P.Sonu
For R1, R2, R4,	: Mr.S.P.Maharajan,
R5 & R7	Special Government Pleader
For R3	: Mr.T.Senthil Kumar,
	Additional Public Prosecutor
For R6	: Mr.M.Sarangan,
	Additional Government Pleader

ORDER

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

The Writ on hand has been instituted, seeking for a direction to the respondents 1 to 7 to remove the encroachment made by the 8th respondent in the



W.P.(MD)No.17369 of 2025

public road in S.No.158/3 of Arudesom Village, Killiyoor Taluk, Kanyakumari

District based on the representation of the petitioner dated 20.12.2024 within a stipulated time as fixed by this Court.

2.The Commissioner of Munchirai Panchayat Union / Block Development Officer conducted field inspection, survey and identified the encroachment in the road. Thus, notice under Section 131(1)a of Tamil Nadu Panchayat Act, 1994 (hereinafter referred to as 'the Act') has been issued by the Commissioner to the encroacher.

3.The learned counsel appearing for the petitioner would submit that though the notice under Section 131(1)a of the Act was issued on 09.07.2024, till date, no further action has been taken by the competent authorities to remove the encroachment, which is causing obstruction to the public to use the road freely.

4.The authorities competent, on identification of the encroachment in public road, are bound to initiate appropriate action for removal of such encroachment. Though notice under Section 131(1)a of the Act has been issued by the Commissioner, no further action has been initiated to submit a report to the



W.P.(MD)No.17369 of 2025

jurisdictional Tahsildar, who in turn, is empowered to initiate eviction proceedings under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Sub Section 2 to Section 131 of the Act enumerates that report must be submitted by the Block Development Officer to the jurisdictional Tahsildar, who in turn, has to initiate eviction proceedings under the Tamil Nadu Land Encroachment Act, 1905.

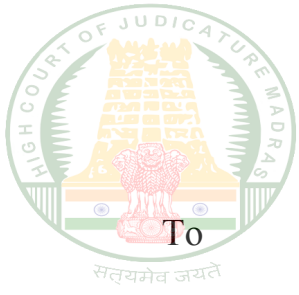
5.This being the legal position, the Commissioner of Munchirai Panchayat Union is directed to send one more copy of the report and the notice to the jurisdictional Tahsildar, who in turn, shall commence eviction proceedings by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

(S.M.S., J.) & (A.D.M.C., J.)
26.06.2025

NCC : Yes / No
Index : Yes / No

Yuva



W.P.(MD)No.17369 of 2025

WEB COPY

- 1.The District Collector / Monitoring Committee,
O/o. The District Collectorate,
Kanyakumari District.
- 2.The District Revenue Officer,
Kanyakumari District, at Nagercoil.
- 3.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Revenue Divisional Office,
Thuckalay, Kanyakumari District.
- 5.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.
- 6.The Block Development Officer,
Munchirai Panchayat Union,
Munchirai, Kanyakumari District.
- 7.The President,
Vavarai Village Panchayat,
Kanyakumari District.



WEB COPY



W.P.(MD)No.17369 of 2025

S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

Yuva

W.P.(MD)No.17369 of 2025

26.06.2025