



W.P(MD)No.18244 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 10.07.2025**

**CORAM:**

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

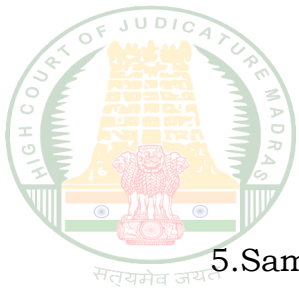
**W.P(MD)No.18244 of 2019  
and  
Sub Application (MD) No.187 of 2019  
and  
W.M.P.(MD) Nos.14686 and 19808 of 2019  
and W.M.P.(MD) No.1323 of 2025**

Sri Aanoor Amman Payirakula Kalvi  
Samaya Samuga Nala Arakattalai,  
Rep., by its Secretary,  
Samiyappan, Thumbivadi Village,  
Aravankuruchi Taluk, Karur District.

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,  
Karur, Karur District.
- 2.The Block Development Officer,  
Paramathi Panchayat Union,  
Aravankuruchi Taluk,  
Karur District.
- 3.The Tahsildar,  
Aravankuruchi Taluk,  
Karur District.
- 4.The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Karur, Karur District.



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5.Samiyappan

6.S.Ganesh

7.P.Kanagaraj

8.A.Shanthi

9.D.Thilagavathy

10.M.Prasanna

11.R.Arthi

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order (notice) in Na.Ka.No.Aa5/1989/2018, dated 16.08.2019 passed by the 2<sup>nd</sup> respondent as illegal and quash the same and consequently direct the revenue officials not to interfere with the petitioner's trust temple site in S.No.28/2, Thumbivadi Village, Aravakuruchi Taluk, Karur District till the disposal of the aforesaid Civil suits pending before the competent civil courts.

|                      |   |                                                                   |
|----------------------|---|-------------------------------------------------------------------|
| For Petitioner       | : | Mr.V.Raghavachari<br>Senior Counsel<br>assisted by Mr.M.P.Senthil |
| For RR1, 2 & 3       | : | Mr.S.P.Maharajan<br>Special Government Pleader                    |
| For R4               | : | Mr.P.Subbaraj<br>Special Government Pleader                       |
| For RR7, 8, 10 & 11: | : | Mr.G.Prabhu Rajadurai                                             |
| For R9               | : | Mr.Niranjan S.Kumar                                               |
| Respondent-6         | : | Not ready in notice                                               |



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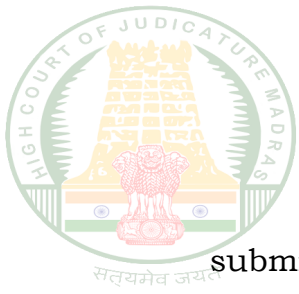
## **ORDER**

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

The notice issued by the Block Development Officer, Paramathi Panchayat Union, Aravankuruchi Taluk, Karur District under Sections 131(1) and 131(2) of the Tamil Nadu Panchayats Act, 1994 and Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as “the Act, 1905), dated 16.08.2019 is under challenge in the present writ petition.

2. The short question that arise for consideration in the present writ petition is whether the Block Development Officer has got jurisdiction to issue notice under the Tamil Nadu Land Encroachment Act, 1905. The Act, 1905 contemplates Tahsildar is empowered to issue such a notice. However, in the present case, the Block Development Officer has issued the final notice under Section 6 of the Act, 1905 and thus, the order impugned has been issued without jurisdiction.

3. The learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respective respondents would



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submit that civil litigations between the parties are pending before the competent civil Court of law and High Court need not adjudicate those issues, which are all *sub judice* before the civil Court.

4. Therefore, the parties are at liberty to adjudicate all those issues in order to establish their rights in the manner known to law.

5. As far as the impugned notice under Section 6 of the Act, 1905 is concerned, though the Block Development Officer has no jurisdiction and this Court deems it necessary to direct the Block Development Officer to submit necessary report to the jurisdictional Tahsildar regarding encroachment and on receipt of the report, the Tahsildar shall initiate action for removal of the encroachments.

6. Since the present writ petitions are kept pending for long years and mere pendency of a civil suit is not a bar for removal of encroachments, if any, identified. This Court directs the Block Development Officer, Paramathi Panchayat Union, Aravankuruchi Taluk, Karur District to submit necessary report to the jurisdictional Tahsildar regarding encroachment and on receipt of the report, the jurisdictional Tahsildar is directed to initiate action by removing the encroachments by following the procedures as contemplated under



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the Act, 1905. 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.

7. With the above directions, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions and the sub application are closed. There shall be no order as to costs.

**J.]**

**[S.M.S., J.]**

**[A.D.M.C.,**

**10.07.2025**

Index:Yes

Internet:Yes/No

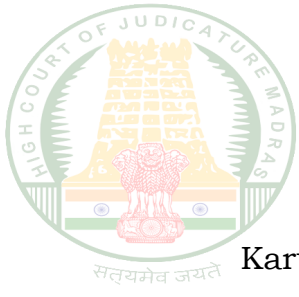
NCC:Yes/No

abr

To

- 1.The Revenue Divisional Officer,  
Karur, Karur District.
- 2.The Block Development Officer,  
Paramathi Panchayat Union,  
Aravankuruchi Taluk, Karur District.
- 3.The Tahsildar,  
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5/6



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**S.M.SUBRAMANIAM, J.**  
**and**  
**DR.A.D.MARIA CLETE, J.**

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