



WEB COPY

W.P.3059 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.3059 of 2026

and

W.M.P.No.3458 of 2026

Dharman @ Dharmalingam

... Petitioner

-vs-

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

3.The Block Development Officer (Village Panchayat),
Mangalam Mamandur Panchayat,
Vandavasi, Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to praying to issue a Writ of Certiorari, to call for the records of the 3rd respondent in impugned proceedings dated 19.01.2026 and quash the same as illegal and without jurisdiction.



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For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mr.A.Selvendran,
Spl. Govt. Pleader for R1 & R2

Mr.T.K.Saravanan,
Addl. Govt. Pleader for R3

ORDER

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

The present Writ Petition has been instituted to assail the final notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as “the Act”]

2. The main ground raised by the petitioner is that the notice under Section 6 has been issued by the incompetent Authority viz., Special Officer/ Block Development Officer, Mamandur Panchayat.

3. The learned counsel for the petitioner would submit that the Block Development Officer is an incompetent Authority.



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4. The learned Special Government Pleader would submit that the initial notice was issued by the Block Development Officer/ Executive Authority under Section 131 of the Tamil Nadu Panchayat Act, 1994. Therefore, the Special Officer is empowered to issue notice.

5. This Court is of the considered view that the initial action taken by the Block Development Officer under Section 131 of the Tamil Nadu Panchayat Act is in consonance with the provisions under the Panchayat Act. Section 131(2) of the Tamil Nadu Panchayat Act reads as under

(2) It shall be the duty of the Village Administrative Officer of every revenue village to report 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.



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6. In view of the above provision, the Block Development Officer is empowered to issue notice under Section 131(2) of the Panchayat Act for eviction of encroacher and to remove the obstructions in or over the public roads. However, if the encroacher failed to vacate the encroachment, thereafter, the Executive Authority or the Commissioner has to submit a report to the jurisdictional Tahsildar/ competent Authority to initiate eviction proceedings by invoking the provisions under the Tamil Nadu Land Encroachment Act, 1905. Sub-Section (2) of Section 131 of Panchayat Act itself contemplates the procedures to be followed for eviction of encroachment. The notice issued by the Block Development Officer under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is without jurisdiction.

7. Thus, the impugned Section 6 notice dated 19.01.2026 issued by the 3rd respondent is set aside. However, the 3rd respondent has to submit a report to the jurisdictional Tahsildar/ competent Authority for initiation of eviction proceedings under the Tamil Nadu Land Encroachment Act, 1905 and on receipt of the report, the Revenue Authority is empowered to vacate the encroachers by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905.



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8. With these directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.) (C.K,J.)
30.01.2026

Index: Yes / No
Internet: Yes / No
dsa

To:

- 1.The District Collector,
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Tiruvannamalai District.
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