



W.P.No.8060 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.8060 of 2026

and

W.M.P.No.8718 of 2026

T.Kumaresan
S/o.Thavamani

... Petitioner

VS.

1. The District Collector
Kallakurichi District
Kallakurichi.
2. The Tahsildar
Chinnasalem Taluk
Kallakurichi District.
3. The Block Development Officer
Chinna Salem Panchayat Union
Chinna Salem
Kallakurichi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the records concerning the impugned notice dated 12.02.2026 from the file of the 3rd respondent and quash the same as illegal.

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For Petitioner : Dr.C.Ravichandran
for Mr.S.B.Viswanathan
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 and R2
Mr.T.Chezhiyan
Additional Government Pleader
for R3

ORDER

A notice dated 12.02.2026 issued by the Block Development Officer, Chinna Salem, calling upon the petitioner to vacate the encroached portion of the property belonging to the Chinna Salem Panchayat Union is under challenge in the present writ petition.

2. The said notice impugned, has been issued under Section 131(2) of the Tamil Nadu Panchayats Act, 1994 ("the Panchayat Act"). Sub-Section (2) of Section 131 of the Panchayat Act contemplates procedures and reads as follows:

'131. Prohibition against obstructions in or over public roads, etc.,

(1)

(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



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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 motu 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.'

3. On receipt of any information / report from the Village Administrative Officer or on identification of encroachment, the Executive Authority or the Commissioner concerned either suo-motu or based on the report, may institute proceedings under the Panchayat Act, by issuing show cause notices to the encroachers, calling upon them to vacate the encroached portion of the properties. The encroachers, on receipt of the same, either has to vacate the premises and hand over the possession to the Executive Authority or the Commissioner or in the alternative to submit their explanation along with documents, if any, to the Executive Authorities. On receipt of such explanation, the Executive Authority shall consider the



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same, take up a final decision and submit a report to the Revenue Tahsildar, if any encroachments are identified. On receipt of the report from the Executive Authority, the jurisdictional Tahsildar is empowered to initiate action by following procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter '1905 Act' for the sake of brevity}. Theafter, the Tahsildar has to issue notice under Section 7 of 1905 Act and once again an opportunity will be afforded to the encroachers and thereafter, a final notice under Section 6 of 1905 Act will be issued and encroachment will be removed. These being the procedures contemplated, the present writ petition challenging the initial notice issued by the Executive Authority under Section 131 of the Panchayat Act is premature.

4. Granting liberty to the petitioner to submit his explanation to the concerned authority, the present writ petition stands dismissed. Consequently, connected miscellaneous is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
03-03-2026

Index : Yes
Neutral Citation : Yes / No
Speaking / Non-speaking
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To

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3. The Block Development Officer
Chinna Salem Panchayat Union
Chinna Salem
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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

mk

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