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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

**WP No. 12848 of 2023
and WMP.Nos.12647 & 12650 of 2023**

1. K.K.Srinivasan
2. G. N. Ramanathan
3. N. Prabakaran
4. Kaavya Lakshmanan
5. M/s. Thirumurugan Grand Properties
Rep. by their Managing Partner
Mr. Kesavan Ellaiyappa Gounder
Having its registered Office at
No. 83 Ranga Nagar, Suramangalam,
Salem 636 005.

...Petitioners

Vs

1. The Commissioner,
Hosur Town Panchayat Union,
Krishnagiri District.
2. The Block Development Officer,
Hosur Panchayat Union,
Hosur 635 109, Krishnagiri District.
3. The Thasildar,
Hosur 6930 109, Krishnagiri District.
4. The Revenue Divisional Officer,
Hosur 630 109
Krishnagiri District.
5. The Member Secretary,
Hosur New Town Development Authority
Hosur 635 109, Krishnagiri District.
6. The District Collector,
Krishnagiri District, First Floor, Collectorate,



- Krishnagiri 635 001.
7. Suresh Reddy
 8. D.Shanmugasundaram
 9. Kishen V.Subramaniam
 10. S.Kadar Basha
 11. Balachandher
 12. R.Adhinarayanan
 13. N.Godwin Ezhilal
 14. N.Rangasamy
 15. S.Arivumani
 16. G.Naveen Kumar
 17. S.Manimekalai
 18. Mohan Rathinavel
 19. Sheetal Agarwal
 20. M.N.Anand Amirtharaj

[R8 to R20 impleaded vide order dated
18.03.2026 in WMP.No.32393 of 2024]

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent leading to Impugned Notice dated 30.09.2022 bearing No. Na.Ka.No 4036 / 2021 / A2 and quash the same and consequently to forbear the 1st Respondent from in any manner interfering with the peaceful possession and enjoyment of the properties comprised in Survey No 828 / 3A3 of the petitioners 1 to 3 Survey No. 842 / 4A1C of the 4th petitioner, Survey No 829 / 1E1A1 of the 5th petitioner other than by following the due process of law.

For Petitioners:

Mr.S.R.Rajagopal, Senior Counsel
for Mr.B.Aravind Srevatsa

For Respondents:

MR.T.K.Sravanan,
Addl. Govt. Pleader for R1 and R2

Mr.T.Arunkumar,
Addl. Govt. Pleader for R3 to R6

Mr.C.Venkatesan for R7
Mr.R.Bharath Kumar for R8 to R20

Mr.K.Sharath Chandran, Advocate Commissioner



ORDER

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

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The present Writ Petition has been instituted challenging the notice issued by the Commissioner Panchayat Union, Hosur under Section 131(2) of the Tamil Nadu Panchayats Act, 1994.

2. The impugned notice would show that the petitioners have encroached upon the water body classified as “Kalvai” (Canal). Enforcement actions are initiated in pursuance to the orders of this Court passed in W.P.No.12578 and 6157 of 2022, wherein, the Division Bench has directed to conduct a survey and thereafter proceed in accordance with law, if necessary. Accordingly, the Tahsildar, Hosur submitted a report on 05.09.2022, based on which the Commissioner, Panchayat Union issued a statutory notice under Section 131(2) of the Panchayats Act. It is relevant to extract Section 131(2) of the Panchayats Act, which reads as under:-

(2) It shall be the duty of the Village Administrative Officer of every revenue village to report on encroachments on properties vested in village panchayat 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 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 and secure such removal.

3. In view of sub-Section (2) of Section 131, the Commissioner is empowered to initiate *suo motu* action or on obtaining report from the Village Administrative Officer to institute proceedings under the Act and to secure removal of encroachments within such time as may be specified. In view of the power conferred under sub-Section (2) of Section 131, the present impugned notice has been issued. The writ petitioners are at liberty to submit their explanations along with the documents, if any, to the Commissioner, Panchayat Union in response to the impugned notice. In the event of receiving any such explanation / documents, the same are to be considered by the Commissioner and thereafter form a final opinion regarding encroachments in the water body or Government Poramboke land etc., The petitioners if not vacated the encroached portion of the water body as per the decision of the Commissioner, then the Commissioner has to submit a report to the jurisdictional Tahsildar for initiation of eviction proceedings, who in turn has to initiate eviction proceedings under the provisions of the Tamil Nadu Land Encroachment Act, 1905 or to the appropriate Authority under the The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 if it is a water body. It is made clear that if the encroachments are made in the water body then The Tamil Nadu Protection of Tanks and Eviction of



Encroachment Act, 2007 would apply and if it is a Government land then the Tamil Nadu Land Encroachment Act, 1905 would apply. Since the competent Authorities are different, the Commissioner has to consider the survey report as well as the explanation submitted by the petitioners and thereafter form an opinion and submit a final report to the Authority competent/ concerned for the purpose of initiation of eviction proceedings by following the procedures as contemplated under the relevant statute and Rules in force.

4. The learned Senior Counsel appearing for the petitioners would raise grounds on merits, which need not be adjudicated in the writ proceedings. The disputed facts relating to civil rights cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India. If any person claiming title/ ownership in respect of the property has to approach the competent civil Court of law. The Revenue Authorities are empowered to proceed against the encroachments only by following the provisions of the Encroachment Act applicable.

5. Even the Revenue Authorities are not empowered to adjudicate the title or declare ownership. Once the Authorities proceeded on the revenue records and survey conducted and if any person is claiming title over the property, he has to approach the competent civil Court for declaration of title. That being the legal position, the petitioners are at liberty to either submit explanation to the Authority or to approach the competent Civil Court of law.



The respondents shall proceed with all further actions in the manner contemplated under law.

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6. With these observations, this Writ Petition is **dismissed**. The petitioners are at liberty to submit their explanations within a period of one (1) week from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition in WMP.No.12647 of 2023 filed to permit the petitioners 1 to 5 to file a single writ petition is ordered and the other miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
18-03-2026

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

DSA



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WP No. 12848 of 2



**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

DSA

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