



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**WP No. 12717 of 2022
and
WMP No. 12180 of 2022**

Kandasamy
S/o.Vanjiappan, E.Puliyampatti, Thattaravalasu,
Erisanampalayam Panchayat, Dharapuram Taluk,
Tiruppur District.

..Petitioner(s)

Vs

1. The President
Erisanampalayam Panchayat,
Erisanampalayam, Dharapuram Taluk,
Tiruppur District.
- 2.
3. M.Marithai
The President, Erisanampalayam Panchayat,
Erisanampalayam, Dharapuram Taluk,
Tiruppur District.

..Respondent(s)

To call for the records of order dated 02.05.2022 on the file of 1st
Respondent and quash the same.

WP No. 12717 of 2022

For Petitioner(s): Mr.N.Ponraj

For Respondent(s): Mr.T.Arun Kumar, AGP for R1.
No Appearance-R2.



Order

WEB COPY

(Order of the Court was made by C.Kumarappan J.)

The present writ petition is filed challenging Section 7 notice dated 02.05.2022.

2. The only contention put forth by the learned counsel for the petitioner is that the said notice was issued by an incompetent authority, namely, the Panchayat President.

3. According to the provisions under Section 131 of the Tamilnadu Panchayats Act, the Executive Authority or the Commissioner is competent to issue notice to secure the removal of encroachments. If the encroachers did not remove the encroachments, he ought to have given a report to the revenue authorities, so as to proceed under the Tamilnadu Land Encroachments Act, 1905. However, while looking at the impugned notice, the same was issued under Section 7 of the Tamilnadu Land Encroachments Act, 1905, which on the face of it, is without jurisdiction.

4. Since the Village Panchayat President is incompetent to issue notice under Section 7 of the 1905 Act, we may treat the impugned notice as the one under Section 131 of the Panchayat Act and if the Panchayat President is not able to secure vacant possession from the petitioner, he is at liberty to submit a report before the Executive Authority, who in turn, shall forward the report to the jurisdictional Tahsildar. On receipt of such report, the jurisdictional Tahsildar is empowered to proceed under the Land Encroachments Act to



remove the encroachments.

5. With the above directions, the present Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)
18-02-2026

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

vsi

To

1. The President
Erisanampalayam Panchayat, Erisanampalayam, Dharapuram Taluk,
Tiruppur District.
2. M.Marithai
The President, Erisanampalayam Panchayat, Erisanampalayam,
Dharapuram Taluk, Tiruppur District.



WEB COPY

WP No. 12717 of 2



**S.M.SUBRAMANIAM J.
and
C.KUMARAPPAN J.**

vsi

**WP No. 12717 of 2022
and
WMP No. 12180 of 2022**

18-02-2026