



WEB COPY

WP No. 26868 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 26868 of 2014
and M.P.No.1 of 2014**

Swami Sivananda Nagar/ Housing
Board Residents Welfare Association,
Rep. by its President A.Mahendraraj, HIG-A 308,
TNHB, Seekarajapuram Post, Wallajha Taluk,
Vellore District.

..Petitioner(s)

Vs.

1. The District Collector
Vellore District at Vellore.
2. The Tahsildar
Wallajha Taluk, Vellore District.
3. The Executive Engineer cum
Administrative Officer,
Vellore Housing Development Society,
Tamil Nadu Housing Board, Sathuvachari, Vellore District.
4. The President
Seekarajapuram Village Panchayat,
Seekarajapuram, Wallajha Taluk,
Vellore District.

.. Respondent(s)

Prayer : This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records relevant to the proceedings of the 4th respondent dated 13.09.2013 and quash the same as illegal, improper and natural justice and thereby direct the 4th respondent put up the fencing



around the petitioners association Tamil Nadu Housing Board Quarters, Seekarajapuram, Walajha Taluk, Vellore District with the expenditures of the petitioners association and maintain the road and park only for the usage of the petitioners association residents only.

For Petitioner(s): M/s. B.Gopalakrishnan

For Respondent(s): Mr.L.S.M.Hasan Fizal

Addl.Govt.Pleader – R1, R2 and R4

Mr.Pradeep Raja

for Mr.D.Veerasekaran - R3

ORDER

The petitioner claims to represent the interests of the residents of Swami Sivananda Nagar Housing Board Residents Welfare Association at Seekarajapuram Post, Wallajha Taluk, Vellore District. The Tamil Nadu Housing Board developed a Scheme for Seekarajapuram on 29.08.1994. The layout was formed, and the properties were handed over to the purchasers. Subsequently, roads, parks and other public amenities developed by Housing Board were handed over to the 4th respondent for maintenance. In addition to the same, service amenities such as water supply, street lights, sewage arrangements and areas marked as Open Space Reservation (OSR) were also handed over to the Panchayat on 12.02.2001.

2. The petitioners approached the Executive-cum-Administrative Officer of the Housing Board and requested him to repair the roads and



maintain the vacant land, alleging misuse by miscreants and criminals. The Association also called upon the Housing Board to construct a compound wall around the Seekarajapuram Housing Board Colony. The Housing Board/respondent states that since the area had already been handed over to the 4th respondent, the petitioner should approach the President of the Panchayat Union instead. Aggrieved by the said stand taken by the Housing Board, the petitioner is before this Court.

3. I heard Mr.V.Gopalakrishnan, learned counsel appearing for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for R1, R2 and R4 and Mr.Pradeep Raja for MR.D.Veera Sekaran , learned counsel appearing for R3.

4. Mr.Pradeep Raja states that after the development of the Seekarajapuram area pursuant to the approval dated 12.02.2001, the same was handed over to the 4th respondent. He further states that the Housing Board has no right, title, or interest over the common areas and amenities, once they are handed over to the Panchayat. He also states that the responsibility for maintaining the roads solely lies with the 4th respondent.

5. Mr.L.S.M.Hasan Fizal states that the 4th respondent has taken steps



under all available schemes, including the “நமக்கு நாமே திட்டம்”, to maintain the parks and roads. He states that the water tank, roads, and other amenities are being properly maintained for the benefits of the residents. He also states that the panchayat cannot construct fencing around the Housing Board area, as public roads cannot be encroached upon by anyone, including the panchayat.

6. I have carefully considered the arguments advanced by either side and also perused the materials available on record.

7. Once the Housing Board, as the promoter of the layout, has developed the area and handed over the roads, parks, and common amenities to the local body, it cannot be called upon to incur further expenditure for the purpose of maintenance. In terms of the Tamil Nadu Panchayat Act, 1994, road, parks, common amenities, the OSR areas, the street lights vest with the panchayat. They have to be maintained only by the Panchayat.

8. The demand of the petitioner that the 4th respondent should construct a wall around the roads cannot be accepted. As per Sections 125 & 131 of the Tamil Nadu Panchayat Act, 1994 and the Rules made thereunder, a Village Panchayat cannot permit encroachment upon public roads. Under the Tamil Nadu Panchayat (Licensing of Pandals and Temporary Structures



on Road Margins Vested in the Highways and Rural Works Department in Village Panchayat Areas) Rules, 1999, the panchayat can permit, erection of temporary structures only for a limited period of three days, before and after the period for the purpose of which the structure is sought to be put up. Rule 9 of the said Rules clearly stipulates that no masonry or other permanent structures shall be erected on a public road, except by the Village Panchayat or the Highways and Rural Works Department or the Public Works Department.

9. A perusal of the instructions given by Mr.L.S.M.Hasan Fizal shows that the panchayat has been maintaining the roads connecting the Seekarajapuram Housing Board Colony with other areas under its control. The petitioner seeks conversion of a public road into a private road, which is impermissible in law. Such a plea, if entertained would compel the panchayat to act contrary to its statutory duties prescribed under Section 131 of the Panchayat Act. Hence, the demand of Mr.M.Gopalakrishnan to convert the Seekarajapuram Housing Neighbourhood Scheme into a private layout/gated community cannot be entertained.

10. Mr.L.S.M.Hasan Fizal further points out that the park situated in the Seekarajapuram Housing Board layout has been maintained by the panchayat. Mr.Gopalakrishnan states that the panchayat has permitted



certain encroachments. He further states that at the rear side of the Seekarajapuram Housing Board Colony runs the Palar river and that, due to roads being kept open, certain miscreant elements are indulging in illegal sand mining and using the roads for transporting sand.

11. I have point out that none of these allegations have been pleaded in the writ petition. However, such incidents cannot be ruled out. If the petitioner intends to seek construction of a wall for protecting the Seekarajapuram Housing Board Colony from misuse by miscreant elements, the petitioner may approach the 4th respondent. If the petitioner is willing to construct a wall at their own expense, it is for them to convince the 4th respondent.

12. The petitioner is at liberty to approach the panchayat by pointing out the alleged encroachments and to seek appropriate action in accordance with law. As the aforesaid aspects have not been pleaded in the writ petition, this Court is not inclined to issue any positive direction to the 4th respondent, either for removal of the encroachments or for construction of a protective wall in the road ending with the Palar river.



13. With the above liberty, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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V.LAKSHMINARAYANAN J.

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