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W.P. No.21874 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM :

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P. No.21874 of 2021

and

W.M.P. Nos.20814, 23061 and 23064 of 2021

1.S.Sridharan
S/o. Subramaniam,
D.No.109(2), Kurumbalamahadevi
Village and Post, Karukkampallam,
Paramathi Velur Taluk, Namakkal
District - 637 203.

2.S.Murugaiyan
S/o. Subramaniam, D. No. 109(2),
Kurumbalamahadevi Village and
Post, Karukkampallam, Paramathi
Velur Taluk, Namakkal District - 637
203.

Petitioner(s)

Vs

1. The District Collector
Collectorate, Namakkal District,
Namakkal.

2.The Tahsildar
Taluk Office, Paramathi Velur Taluk,
Namakkal District, Namakkal.

3.The Block Development Officer
Kabilar Malai Panchayat Union,



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Paramathi Velur Taluk, Namakkal
District, Namakkal.

4.Kurumbala Mahadevi Panchayat
Rep by its President,
Kurumbalamahadevi Village and
Post, Paramathi Velur Taluk,
Namakkal District, Namakkal.

5.The Village Administrative Officer
Kurumbalamahadevi Village and
Post, Paramathi Velur Taluk,
Namakkal District, Namakkal.

6.K.Palanisamy

7.M.Rajendran

8.C.Dhanasekar

*(R6 to R8 impleaded vide order dated 06.01.2026 made in W.M.P.
No.20814 of 2022 in W.P.No.21874 of 2021 by SMSJ, CKJ)*
Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent vide proceedings in Na.Ka.No.1/2021/Ku dated 27.08.2021 pertaining to land and building measuring an extent of 1025 sq.feet in Survey No.136B/2 or Kurumbala Mahadevi Village and quash the same and consequently direct the respondents herein to consider issuance of patta for the above lands in favour of the petitioners as per the Government Schemes.

For Petitioner(s) : Mr.Govinda Raj
for Mr.R.Sivaraman

For Respondent(s) : Mr.T.Arun Kumar
Additional Govt. Pleader (for R1, R2 & R5)



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No appearance (for R3 & R4)

Mr.L.Mouli (for R6 to R8)

ORDER

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

Notice issued under Section 131(2) of the Tamil Nadu Panchayat Act, 1994, is sought to be assailed in the present writ proceedings. The learned counsel for petitioners would mainly contend that the President, Panchayat has no jurisdiction to issue the notice by invoking the powers conferred under Section 131(2) of the Panchayat Act, 1994. Sub-section (2) to Section 131 of the Panchayat Act, 1994, 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 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 motu or on obtaining a report from the Village Administrative Officer in this regard to institute proceedings under this Act] [Substituted for the words 'it shall be the duty of the Executive Authority or the Commissioner concerned to institute proceedings under this Act' by Tamil Nadu Panchayats (Third Amendment) Act, 1999 (Tamil Nadu Act 29 of 1999).] and secure the removal of the



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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.”

2. In view of the above provision, the Executive authority or the Commissioner concerned shall issue notice asking the encroachers to vacate the property belonging to Panchayat by fixing time lines. In the event of failure to vacate the Panchayat property, the executive authority or the Commissioner is bound to submit a report to the Jurisdictional Tahsildar, who has to invoke the provisions of the Tamil Nadu Land Encroachment Act, 1945, for eviction of encroachers by following the procedure as contemplated under the Land Encroachment Act. Therefore, the President, Panchayat Union is not empowered to evict the encroachers from the Panchayat Property. Therefore the impugned notice may be treated as a show cause notice for all purposes and the petitioners are at liberty to submit their representation along with documents, if any, within a period of two weeks from the date of receipt of a copy of this order. Along with the representation, the President may submit a report to the Executive Officer



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or the Commissioner, who in turn shall issue further notice to the encroachers for removal of encroachments. In the event of failure, thereafter a report is to be filed by the jurisdictional Tahsildar by invoking the provisions of Tamil Nadu Land Encroachment Act for removal of encroachments. The entire exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

3. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K., J.)
06.01.2026

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



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S.M.SUBRAMANIAM, J.
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