WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-11-2025**

CORAM

**THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN**

**WP No. 44390 of 2025**

1. VENKATESAPPA

Petitioner(s)

Vs

1. The President
Sevaganapalli Panchayat, Hosur
Panchayat Union, Hosur Taluk,
Krishnagiri District-643680,
Tamilnadu.

2.Block Development Officer
Hosur Panchayat Union, Panchayat
Union Council, Kamaraj Colony,
Hosur, Tamilnadu-635 109

3.Inspector Of Police
Bagalur Police Station, Bagalur, Hosur
Taluk, Krishnagiri District-635 109

Respondent(s)

**PRAYER**



https://www.mhc.tn.gov.in/judis

WEB COPY



directing the respondents 1 to 3 to consider the representation vide letter dated 24.09.2025 to demolish the wall which was built across the public road in S.No.112/1, S.No.112/2A, S.No.112/2B, S.No.112/3C, S.No.112/3D1 in Kaganur Village of Hosur Taluk, Krishnagiri District within the Village Panchayath limits of Sevaganapalli and Union Council of Hosur.

For Petitioner(s): Ms.A.Vidya
for M/s.G.Aishwarya Lakshmi

For Respondent(s): Mr.T.Chezhiyan,
AGP-(R1 & R2)
Mr.R.Kishore Kumar,
GA-(R3)

**O R D E R**

The petitioner is the owner of the property situated at S.No.107/5, Kaguanur Village, Hosur Taluk, Krishnagiri District. Abutting his property on the northern side is a layout promoted by one M/s.Pushpam Realty. The said M/s.Pushpam Realty had developed the layout in S. No. 112/1 and 112/2A, 2B, 3C and 3D1.

2. The petitioner asserts that as a condition for approval of layout, the



https://www.mhc.tn.gov.in/judis

WEB COPY



developer had executed a Gift-deed in favour of the 1st respondent-Panchayat. By the said deed, he hands over the roads, parks and other common amenities in favour of the 1st respondent. After the layout had been developed and sold, the villa owners took possession of the same. The access of the petitioner to his property is through a 30 feet road running between Plot Nos. 37 and 38 to 45 and 30. To the shock and surprise of the petitioner, certain persons have raised a wall across the public road. Aggrieved by the said act, the petitioner approached the respondents by way of a notice dated 24.07.2025, requesting immediate action against the constructions. Though the notices were received on 28.07.2025, no action was initiated. Hence, the petitioner, yet again approached the authorities by way of a representation dated 24.09.2025, which was received by the 1st respondent on 07.10.2025, and by the respondents 2 and 3 on 06.10.2025. These repeated representations, to remove the obstructions across the public road had fell on deaf ears. Hence, the petitioner is before this court by way of a mandamus.

3. When the matter came up for admission on 20.11.2025, Mr.T.Chezhian,



https://www.mhc.tn.gov.in/judis

WEB COPY



learned Additional Government Pleader, took notice for the 1st and 2nd respondents and Mr.R.Kishore Kumar took notice for the 3rd respondent.

4. Mr.T.Chezhian submitted that the Block Development Officer, along with the Inspector of Police, was to cause an inspection on 20.11.2025 and hence, sought for time to report the result of the inspection. Hence, I listed the matter for hearing today.

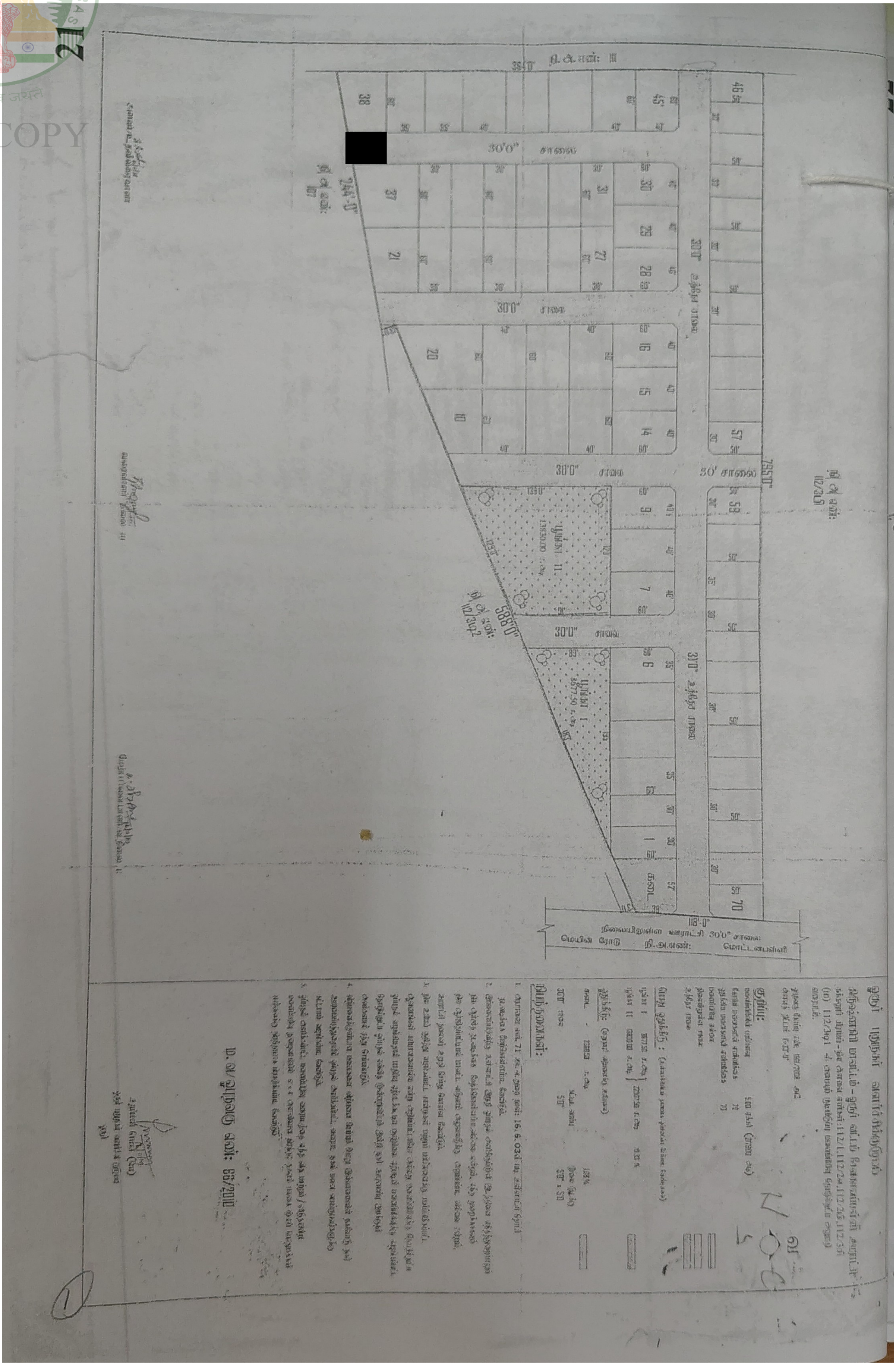
5. When I took up the matter today, Mr.T.Chezhian reported that a wall had, in fact, been constructed between the plot Nos. 37 and 38.

6. For ready understanding, the approved layout plan is scanned and extracted hereunder:-



https://www.mhc.tn.gov.in/judis

WEB COPY





https://www.mhc.tn.gov.in/judis

WEB COPY

22

Planning Permission issued in the Resolution No: 10 of 85th Authority meeting with the following Conditions mentioned in this office letter Roc.No 1501/2009/A2 dated 16.11.2010

10 வ.தி.அ எண் 6/ /2010
ஒ.பு.ந.வ.கு
இவ்வலுவலக 16.11.10 தேதி கடிதம்
ந.ஆ. எண் 1501/2009/ அ2-ல்
[illegible] கிக்கப்பட்டுள்ளபடி/ கீழ்கண்ட
நிபந்தனைகளுக்குப்பட்டு திட்ட
அனுமதி வழங்கப்படுகின்றது.

CONDITIONS

1. All the roads, park, open spaces and play spaces etc. in the approved Layout shall be handed over to the local body concerned by means of a Gift Deed.

2. Cost of formation of roads etc shall be collected in one lumpsum prior to the [illegible] the Layout plan by the local body concerned.

16/11/10
உறுப்பினர் செயலர் i/c
ஒரு புதுநகர் வளர்ச்சிக் குழுமம்
ஒரு.
16/11/10

PANCHAYAT UNION - HO[illegible]
Sevagana Palli Pancha[illegible]
Kaggar [illegible]
SF No (112/1, 112/2A, 112/2B/112/3C/112/3D1)
[illegible] Develop House [illegible]
[illegible] Plan 70 Cents (Plot N[illegible]
[illegible] Buildings / Commer[illegible]
[illegible]
[illegible] the plan. Certi[illegible]
[illegible]chayat Minutes No: 16/ 19.11.10
Panchayat [illegible]
SEVAGANAPALLI

22



https://www.mhc.tn.gov.in/judis

WEB COPY



7. Mr.T.Chezhian pleads that the 1st respondent has written to the Hosur Tahsildar to survey the said area and to take appropriate action.

8. I heard Ms.Vidya for the petitioner and Mr.T.Chezhian for the 1st and 2nd respondents and Mr.Kishore Kumar for the 3rd respondent.

9. Under Section 131 of the Tamil Nadu Panchayats Act, the legislature has declared that there cannot be any obstruction over public roads.

10. Section 131 (1) reads as:-

"*No person is entitled to build any wall or erect any fence or cause obstruction or projection or make any encroachment whatsoever, whether permanent or temporary over a public road or any property vested in or belonging to or regulated or owned by, a Village Panchayat or Panchayat Union Council.*"



https://www.mhc.tn.gov.in/judis

WEB COPY



11. The Section engrafts in itself, exceptions in terms of G.O. Ms.No.150, Rural Development (C4), dated 21.07.1999, enabling the grant of permission under certain circumstances. The rule which has been contemplated by the said G.O. is titled as the Tamil Nadu Panchayats (Licensing Of Pandals And Temporary Structures on Road Margins vested in the Highways and Rural Works Department in Village Panchayat Areas) Rules, 1999. Rule 2 speaks about the grant of license for erecting a temporary structure and a panchayat is entitled to grant a license for such temporary obstructions, when it relates to the conduct of any fair or festival, in the village. Even in such cases, the permission cannot exceed a maximum period of three days. Reflecting the prohibition under Section 131, Rule 9 of the said Rules direct that no masonry or permanent structures can be erected on a public road, except by the village panchayat or the Highways and Rural Works Department or Public Works Department.

12. Even if a temporary license is granted, and it continues to exist beyond the period of license, Rule 10 imposes an obligation on the Village



https://www.mhc.tn.gov.in/judis

WEB COPY



Panchayat to forthwith remove the temporary structure and restore the site to its original position. If, despite the direction of the Village Panchayat, a person, who has erected the temporary structure, does not remove it, then Rule 10(2) empowers the Village Panchayat to remove such obstructions and recover the cost of such removal from the licensee.

13. A discussion of the aforesaid position of law makes it clear that the only circumstance under, which an obstruction can be erected on a road, is if a license is granted for conducting a fair or festival. It also contemplates only a temporary structure and not a permanent wall. Once the road has been vested in the Panchayat, a duty is imposed on it to ensure that the road is free of encroachments.

14. Admittedly, in this case, no such permission has been granted for the erection of a wall. In fact, no such permission can also be granted. Shifting the responsibility imposed on the Village Panchayat to the Revenue Department is an exercise in buck-passing. The statute imposes an obligation on the



https://www.mhc.tn.gov.in/judis

WEB COPY



Panchayat, and the Panchayat cannot pass the buck to the Tahsildar, who does not have the jurisdiction for the same.

15. As it is not disputed that a wall has been constructed over a public road, the writ petition succeeds. There shall be a direction to the 1st respondent to remove the offending wall forthwith. In case, the 1st respondent faces obstruction during the course of removal, the 3rd respondent shall afford sufficient security to ensure its removal. The 1st respondent shall ensure that the road remains free of any encroachments, in order to prevent such unnecessary litigations.



https://www.mhc.tn.gov.in/judis

WEB COPY



16. The writ petition is allowed. No costs.

**25-11-2025**

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

*Maya*

To

1.The President
Sevaganapalli Panchayat, Hosur
Panchayat Union, Hosur Taluk,
Krishnagiri District-643680,
Tamilnadu.

2.Block Development Officer
Hosur Panchayat Union, Panchayat
Union Council, Kamaraj Colony,
Hosur, Tamilnadu-635 109

3.Inspector Of Police
Bagalur Police Station, Bagalur, Hosur
Taluk, Krishnagiri District-635 109



https://www.mhc.tn.gov.in/judis

WEB COPY



**V.LAKSHMINARAYANAN J.**

*Maya*

**WP No. 44390 of 2025**



https://www.mhc.tn.gov.in/judis

WEB COPY



**Dated : 25-11-2025**



https://www.mhc.tn.gov.in/judis