



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

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

WP No. 42445 of 2025

1. Ananda Dhanasekaran

Petitioner(s)

Vs

1. The District Collector
Kancheepuram District , Kancheepuram.

2.Revenue Divisional Officer
Kancheepuram Division, Kancheepuram.

3.The Tahsildar
Kancheepuram Taluk,
Kancheepuram District.

4.Santha Anandan

Respondent(s)

PRAYER

Calling for the records of the Impugned Form III notice issued by the 4th respondent dated 23.07.2025 for the house premises in survey No.31/1 situated at Door No.149, Athivakkam Village, Aattuputhur P.O., Kancheepuram Taluk and District and quash the same.

For Petitioner(s): Mr.R.Govindasamy

For Respondent(s): Mr.T.Arunkumar,
Additional Government Pleader
For R1 To R3



Mr.N.Muthuvel,
Govt. Advocate For R4

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ORDER

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

Form 3 notice issued by the Block Development Officer, Valajabat Panchayat Union dated 23.07.2025 is under challenge in the present writ proceedings.

2. Section 131 of the Tamil Nadu Panchayat Act provides *Prohibition against obstructions in or over public roads, etc.,* Sub-section (2) to Section 131 reads as follows:

“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 encroachments within such time as may be



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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.”

3. Therefore, based on the report of the Village Administrative Officer, Executive Authority or Commissioner concerned may initiate proceedings under the Act and secure removal of encroachments within the time as may be specified in proceedings. If encroachers have not vacated and handed over the possession, executive authority or Commissioner is bound to submit a report to the jurisdictional Tahsildar for initiation of eviction proceedings under Tamil Nadu Land Encroachment Act, 1905. However, Executive Authority or Commissioner are not competent to initiate proceedings under Tamil Nadu Land Encroachment Act. At this juncture, counsel for the respondents relied on the judgment of Division Bench of this Court in ***Shantha Anandan Vs. The District Collector, Kanchipuram District*** in W.P.No.24271 of 2025, dated 07.07.2025. The relevant paragraph is extracted hereinunder:

“ ...

10. *This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land.*

11. *The Divisional Monitoring Committee qua*



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said GO shall (if it comes to the conclusion that there is encroachment) report the encroachment to appropriate authorities concerned for further action (for removal of encroachment). In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroacher are preserved for being raised before the Committee concerned which shall consider the same on their own merits and in accordance with law untrammelled by this proceedings in this Court. The entire exercise shall be completed within a period of 14 weeks from today i.e., by 13.10.2025.

12. It is open to the writ petitioner and or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there is any change of circumstances.

13. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not qua said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land ”

4. The eviction proceedings have been instituted pursuant to the direction issued by this Court in W.P.No.24271 of 2025, dated 07.07.2025. In



the present case, learned counsel for petitioner would submit that an explanation has been submitted to competent authority. If so, said explanations are to be looked into, and Executive Authority is bound to submit a report to Jurisdictional Tahsildar for initiation of eviction proceedings under Tamil Nadu Land Encroachment Act, 1905. Jurisdictional Tasildhar shall follow procedures as contemplated under the Act and thereafter, remove the encroachments, if any identified in the manner known to law. Said exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

5. With these observations, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)

02-12-2025

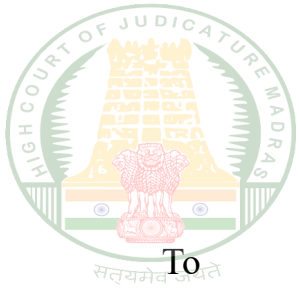
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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- 2.Revenue Divisional Officer
Kancheepram Division, Kancheepuram
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- 3.The Tahsildar
Kancheepram Taluk, Kancheepuram
District.
- 4.Santha Anandan
W/o.Anandan, No.326/5, Vinayagar
Kovil Street, Athivakkam Village,
Kancheepram Taluk, Kancheepuram
District .



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

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