



W.P.No.9527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.9527 of 2025

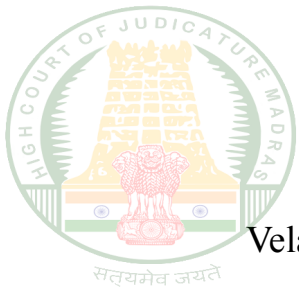
TANSI Nagar Welfare Association
Bearing Reg. No.65 of 1995
Rep. by its General Secretary
M.Balakrishnan
No.15/7, 14th Street Tansi Nagar
Velachery, Chennai - 600 042

... Petitioner

vs.

- 1.The Principal Secretary to Government
Revenue and Disaster Management
Secretariat, Chennai - 600 009
2. The District Collector
Chennai District
Rajaji Salai, Beach Road
George Town, Chennai - 600 001
3. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003
4. The Tahsildar
Velachery Taluk

Page Nos.1/7



W.P.No.9527 of 2025

Velachery

WEB COPY

5. The Executive Engineer
Arani River Drainage Systems
Chepauk
Chennai - 600 005

... Respondents

(R4 and R5 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to remove the encroachments in the Velachery Eri and to desilt and clean Macro Canal from Taramani Link Salai Vijayanagar Junction to SRP Tools and to widen the Canal in the Perungudi Railway Station from 10 feet width to atleast 20 feet width and to construct another 6 vent water canal apart from the 6 vent water canal in perungudi salai for quick and speedy flow of water during heavy rains and to remove the encroachments in and around the 6 vent water canal apart from desilting and removing the mounds of sand, stones, shrubs etc., as sought vide representations dated 27.02.2024, 01.03.2024, 26.10.2024 and lastly on 08.11.2024

For Petitioner : Mr.N.Nisar Hussain

For Respondents : Mr.M.Arasakumar
Government Advocate for R1, R2,
R4 and R5
Ms.K.Aswini Devi
Standing counsel for R3

.....

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

The captioned writ petition is filed with a mandamus prayer seeking a direction to remove the encroachments in the Velachery Eri and to desilt

Page Nos.2/7



W.P.No.9527 of 2025

WEB COURT

and clean Macro Canal from Taramani Link Salai Vijayanagar Junction to SRP Tools and to widen the Canal in the Perungudi Railway Station from 10 feet width to atleast 20 feet width and to construct another 6 vent water canal apart from the 6 vent water canal in Perungudi Salai for quick and speedy flow of water during heavy rain and to remove the encroachments in and around the 6 vent water canal apart from desilting and removing the mounds of sand, stones, shrubs etc., by considering the representations of the writ petitioner.

2. Mr.Nassir Hussain, learned counsel appearing for the writ petitioners submits that the writ petitioners have sent several representations for removal of alleged encroachment, but till date no action has been taken by the official respondents and hence, having no other alternative, the petitioner has approached this Court invoking Article 226 of the Constitution of India.

3. Issue notice to official respondents.

4. Mr.M.S.Arasakumar, learned Government Advocate accepted notice for R1 and R2 and Ms.K.Aswini Devi, learned Standing Counsel for R3.

Page Nos.3/7



W.P.No.9527 of 2025

WEB COPY

5. Learned Government Advocate submits that survey will be conducted in the said land and if any encroachment is found, the same will be removed in accordance with law. He further submits that the Tahsildar, Velachery Taluk and the Executive Engineer, Arani River Drainage System, Chepauk are the competent authorities, but they are not made as parties in the present writ petition.

6. Considering the above stated position of the learned Government Advocate, the following order is passed:

i) Tahsildar, Velachery Taluk and the Executive Engineer, Arani River Drainage System, Chepauk, Chennai - 600 005 are now *suo motu* impleaded as R4 and R5. Issue notice to R4 and R5. Mr.M.S. Arasakumar accepts notice for R4 and R5;

ii) Survey shall be conducted by R4 and R5 within a period of 12 weeks from today i.e., on or before 12.06.2025 and if any encroachment is found, R4 and R5 shall draw a survey report and forward the same to the competent authority for taking suitable action either under 'the Tamil Nadu



W.P.No.9527 of 2025

WEB COPY

Protection of Tanks and Eviction of Encroachment Act, 2007

(Tamil Nadu Act 8 of 2007)' {hereinafter 'Tanks Act' for the sake of convenience, clarity and brevity} or under any other appropriate Statute for removal of alleged encroachment by following the procedure contemplated under the Act;

iii) If any representation is received from the alleged encroachers or any others, the same shall be considered on its own merits and in accordance with law before passing final orders;

iv) The decision taken shall be communicated to the writ petitioner within five working days.

Captioned writ petition is disposed of with the above directions.

There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

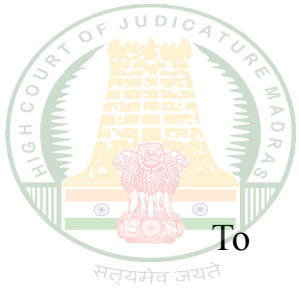
20.03.2025

Index : Yes/No

Neutral Citation : Yes/No

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Page Nos.5/7



W.P.No.9527 of 2025

To

WEB COPY

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Revenue and Disaster Management
Secretariat, Chennai - 600 009
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Chennai District
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WEB COPY



W.P.No.9527 of 2025

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

gpa

W.P.No.9527 of 2025

20.03.2025

Page Nos.7/7