



WEB COPY

W.P.No.18090 of 201८



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.05.2025

PRONOUNCED ON : .07.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

WP No.18090 of 2018

V.Kanagasundaram

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Public Works Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 2.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 3.The Secretary to Government,
Revenue and Disaster Management
Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 4.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 3.
(R4-amended as per order dated
17.07.2018)
- 5.The Chief Engineer,
Public Works Department,
Kamarajar Salai,
Chepauk, Chennai – 600 005.



W.P.No.18090 of 201८

6.The Tamil Nadu Urban Infrastructure
Financial Services Ltd., (TNUIFSC),
Rep.by its Managing Director,
19, T.P.Scheme Road,
Raja Annamalai Puram,
Chennai – 28.

7.Chennai Rivers Restoration Trust,
Rep.by its Member Secretary,
6/103, Dr.D.G.S.Dinakaran Salai,
Raja Annamalai Puram,
Chennai – 28.

8.Environmental Foundation of India,
Rep.by its Founder,
Ramanujam Adithya,
38, Balakrishnan Road,
Valmiki Nagar, Thiruvalluvar Nagar,
Thiruvanmiyur, Chennai – 41.

... Respondents

(R6 to R8 impleaded vide order
dated 30.07.2018)

PRAYER: Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to remove all the encroachments in all the water bodies, tanks, lakes, rivers and distill all those water bodies across Chennai city by devising appropriate modalities expeditiously after considering the representation of the petitioner dated 11.06.2018.

For Petitioner : Mr.R.Deepak
for Mr.I.Lakshmana Shankar

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader-for RR 1,2 and 5
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Alagu Gowtham
Government Advocate - for R3
Mr.D.B.R.Prabhu, Standing Counsel - for R4



W.P.No.18090 of 2016

ORDER

(By G.R.SWAMINATHAN, J.)

WEB COPY

This writ petition has been filed in public interest. Though the petitioner seeks an omnibus relief for removal of all the encroachments in all the water bodies across Chennai city, we propose to confine the scope of the writ petition to clearing the encroachments in three water bodies alone ie., Adayar river, Coovum river and Buckingham canal.

2.In our order dated 16.05.2025 in WP No.18215 of 2025, we had issued the following direction :

"5.All the encroachers in occupation of Adyar bank are aware that the Government had proposed to restore the river to its pristine glory. The project however remains stuck on account of the encroachments. The Madras High Court in many cases had given categorical directions to remove the encroachments in a time bound manner. We fail to understand as to why the Greater Chennai Corporation and the Water Resources Department have not cleared the encroachments till date. We draw the attention of authorities to the directions given in W.P.No.12767 of 2018, W.P.No.578 to 587 of 2018, W.P.Nos.19977 and 19980 of 2023, W.P.No.20196 of 2023, W.P.No.20122 of 2023, W.P.No.26259 of 2023 and W.P.No.14565 of 2018 etc.,). It is interesting to note that the Hon'ble First Bench in W.P.No.26259 of 2023 vide order dated 07.08.2023 had specifically observed that if there is encroachment in S.Nos.178, 181, 136 and 113/2, the Government will have every right to encroach the encroachers. In our view, it is not a matter of Government's right. It is a



WEB COPY



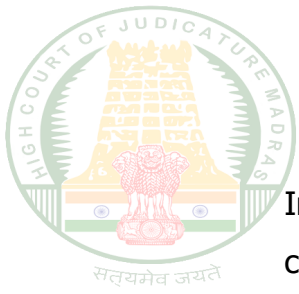
W.P.No.18090 of 2016

matter of duty. Encroachments of water bodies cannot be allowed. If there are encroachments, they have to be removed. In this case, we note with pain that the authorities have miserably failed in discharging their duties. Their failure is all the more stark because the Tamil Nadu Urban Habitat Development Board is ready to resettle the encroachers. The required number of houses / tenements are already ready for occupation.

6. We take judicial notice of the fact that there is a group called 'Slumlords'. We recently read in Newspaper that these 'Slumlords' enjoy political patronage and that they are able to resist any move to clear the encroachments. It is stated that except for a few, most of the encroachers are paying rent of Rs.8000 to Rs.15000 to 'Slumlords' who have hijacked the entire river banks. We hope that the officials would not succumb to political pressure. We specifically direct the jurisdictional police to provide the necessary police aid as and when requisitioned for clearing the encroachments. The encroachments on the Adyar river bank have to be cleared within a period of three months from today. Failure to do so would constitute contempt of Court."

Commenting on the aforesaid order, the following news article appeared in Times of India on 19.06.2025 :

"Despite Madras high court granting the Tamil Nadu Govt three months to clear all encroachments along Adyar river, unauthorised construction continues unchecked, especially near the creek and backwaters.



WEB COPY



W.P.No.18090 of 2016

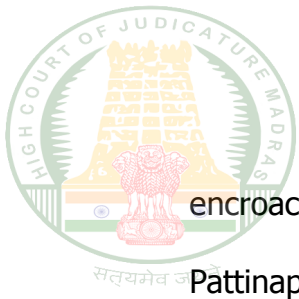
In a blatant breach of the court directive, around 10 houses have come up across the river in Santhome, near Quibble Island, blocking nearly 80% of the water flow. Unlike typical riverbank encroachments, these huts and shanties are built end to end across the waterway, directly on debris dumped into the river.

Tucked inside Srinivasapuram, the illegal housing has flourished in the absence of CCTV surveillance or official inspection. A few hundred metres downstream, about 50 more houses have been built barely 100 metres from the estuary. These structures are not visible from ground level, as high-rise towers of Tamil Nadu Urban Habitat Board block the line of sight. Most visitors take a right turn from Loop Road, inadvertently bypassing Srinivasapuram stretch, where the river is quietly being choked. In addition to obstructing the flow, several of these encroachments discharge sewage directly into the water.

A field visit on Friday revealed that many occupants pay a "rent" of 5,000 to local slum lords. Barring the govt-constructed towers, none of the roughly 1,000 houses in the area are authorised.

"The result is intense flooding of core city areas," he said. The creek and backwaters also support aquatic life, but continuous sewage discharge is destroying the river's ecosystem."

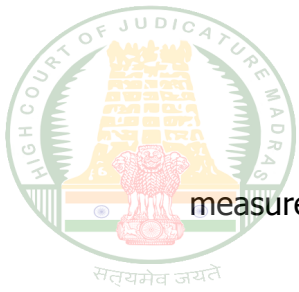
3.The importance of maintaining rivers, estuaries and creeks in their pristine glory hardly requires emphasis. They have to be kept free of pollution as well as encroachments. Unfortunately, near Adyar creek, Adyar river mouth and estuary which confluence into the Bay of Bengal, there are around thousand



W.P.No.18090 of 2016

encroachments in and around Srinivasapuram TNUHDB Scheme Area, Pattinapakkam. It is stated that between 1970 and 1977, Slum Clearance Board constructed 1356 tenements (68 blocks) for Urban Poor and Fishermen Community along the coast at Srinivasapuram, Pattinapakkam in 15.3 acres in Survey No.7590, 4593/21 to 34, 4593/39 of Block 102, Mylapore Village. But there has been an illegal extension of this habitation into Adyar Creek and Coastline. As a result, the Adyar Creek and Estuary area have shrunk. It is seen that the encroachers as well as inhabitants of Srinivasapuram area dump garbage into the Adyar Creek as well as Estuary area and this landfill facilitates further encroachments.

4.The learned Additional Advocate General states that the Government of Tamil Nadu has initiated a pioneering wetland ecological restoration of Adyar Creek and Estuary area and that this is to be carried out by Chennai Rivers Restoration Trust. It is his grievance that the restoration project could not be carried on account of the problems emanating from the encroachments in Srinivasapuram, TNUHDB Scheme area. We take judicial notice of the fact that the Adyar Estuary is under grave ecological stress due to urbanisation, discharge of untreated sewage, solid waste disposal, industrial effluence and encroachments for the past two decades. As a result of this gradual degradation, many vital attributes of Adyar Estuary such as clean water, faunal and floral diversity and its role as spawning and nursery ground of commercially important finfish and shell fish etc are lost. If we do not undertake restoration



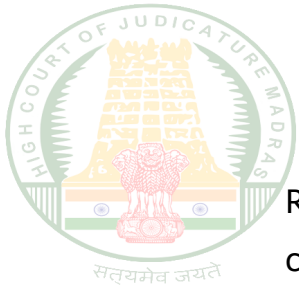
measures at the earliest, the resultant loss will be irreversible.

WEB COPY

5.The jurisprudence on the subject is too well established and there is no need to reiterate the same. What is required is effective implementation on ground. We cast specific responsibility on the official respondents herein. They have to ensure that the directions now given are speedily and effectively enforced.

6. This writ petition is disposed of with the following directions :

- (a) The Government (R1 to R3) will direct Tamil Nadu Urban Habitat Development Board to immediately undertake an enumeration exercise. The total number of slum families and commercial encroachments in Srinivasapuram scheme area, Pattinapakkam will be identified. The officials of Greater Chennai Corporation, Public Works Department and Water Resources Department as well as the revenue officials will liaison with one another. All the eligible families shall be provided with alternative housing. Such indulgence will not be shown to commercial establishments.
- (b) All the encroachers in Adyar Creek and Estuary and Adyar River mouth in and around Srinivasapuram, TNUHDB scheme area, Pattinappakam shall be evicted within a period of eight weeks from the date of receipt of copy of this order.
- (c) The Secretary, Water Resources Department, The Commissioner, Greater Chennai Corporation, The Secretary to Government,



W.P.No.18090 of 2016

WEB COPY

Revenue Department, Government of Tamil Nadu and all other concerned authorities shall be responsible for ensuring compliance of this order. The Chief Secretary, Government of Tamil Nadu shall file compliance report within three months from the date of receipt of copy of this order. Failure to clear the encroachments in the aforementioned area within the time limit mentioned above will constitute contempt of court. It is the further duty of the authorities concerned to ensure that there is no recurrence of this phenomenon of encroachment. The area in question shall be kept free of encroachment and pollution for all times to come.

No costs.

(G.R.S.,J) & (V.L.N,J)
.07.2025

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
SKM

To:

1.The Secretary to Government,



W.P.No.18090 of 201८

Public Works Department,
Secretariat, Fort.St.George,
Chennai - 600 009.

- 2.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 3.The Secretary to Government,
Revenue and Disaster Management
Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 4.The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Chennai – 3.
- 5.The Chief Engineer,
Public Works Department,
Kamarajar Salai,
Chepauk, Chennai – 600 005.
- 6.The Managing Director,
Tamil Nadu Urban Infrastructure
Financial Services Ltd., (TNUIFSC),
19, T.P.Scheme Road,
Raja Annamalai Puram,
Chennai – 28.
- 7.The Member Secretary,
Chennai Rivers Restoration Trust,
6/103, Dr.D.G.S.Dinakaran Salai,
Raja Annamalai Puram,
Chennai – 28.
- 8.The Founder, Environmental Foundation of India,
Ramanujam Adithya,
38, Balakrishnan Road,
Valmiki Nagar, Thiruvalluvar Nagar,
Thiruvanmiyur, Chennai – 41.

G.R.SWAMINATHAN, J.
AND
V.LAKSHMINARAYANAN, J.



WEB COPY



W.P.No.18090 of 201८

SKM

WP No.18090 of 2018

.07.2025