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W.P.No.22597 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.05.2025

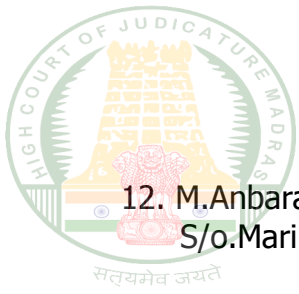
Pronounced on : 07.07.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.No.22597 of 2024
and
W.M.P.No.24626 of 2024**

1. Sundar.P
S/o. Ponnann
2. Karthikeyan
S/o.Palyam
3. D.Kala
W/o.Dharamaraj
4. R.Sugumar
S/o.Rathnam
5. M.Veeran
S/o.Manickam
6. Luyis Mariyageorge
S/o.Mariyageorge
- 7.Doss Anthony
S/o.Anthony
8. Babu
S/o.Sabarimuthu
9. Gowri Manmadhan
W/o.Manmadhan
10. B.Jayaram
S/o.Balan
11. Jothi.M
D/o.Mari



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12. M.Anbarasu
S/o.Mari

13. Murugan Veeragavan
S/o.Veeragavan

14. D.Palanikumar
S/o.Deivasigamani

15. Sasikumar
S/o.Mani

16. Raguram
S/o.Mani

17.Amaravathi
W/o.Raja

18.Baby
W/o.Sakthivel

19. Udhayashankar
Lakshmipathi

20. Rajam.K
W/o.Kuppusamy

21. M.Vijaya
W/o.Muthu

22. Selvakumari.R
W/o.Ravikumar

23. Annammal Durai
W/o.Durai

24. Malika.K
W/o.Kanagasundaram

25. Babu

26. D.Nagaraj
S/o.Darmaraj

27.Lakshmi A
D/o.Subramani



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28.Sampath

सु. 29. Suresh Kubendiran
S/o.Kubendiran

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30. Sivagami
W/o.Panniyakotti.E

31. Murali Punniyakotti
S/o.Punniyakotti

32. Uthami Sundaram
W/o.Sundaram

33. N.Ramani
W/o.Nelson Nesaraj

34. Kumar.K
S/o.Kaliyappan

35. Amudha

36. Prabhakaran Venugopal
S/o.Venugopal

37. Staline Kuppusamy
S/o.Kuppusamy

38. Malathy Kalyanasundaram
W/o.Kalyanasundaram

39. Sharmila

40. D.Arumugam
S/o.Deivasigamani

41. Palayam Santanam
S/o.Santhanam

42. T.Arun
S/o.Thirusanku

43. Mohana Loganathan
W/o.Loganathan

44. Radhakrishnan.L



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S/o.Loganathan

45.Ganesan Munusamy

S/o.Munusamy

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46. Shakila Palayam

D/o.Palayam

47. Siva Micheal

S/o.Micheal

48.Murugan Nagappan

S/o.Nagappan

49. Raja Vedhamanickam

S/o.Vedhamanickam

50. Rubanathan

S/o.Vedhamanickam

51.Sundaram.N

S/o.Naliappan

52. Annamalai Nalliyappan

S/o.Nalliyappan

53. Kanthimathi Sokkalingam

W/o.Sokkalingam

54. Anandan Kannan

S/o.Kannan

55.Suresh Veeragavan

S/o.Veeragavan

56. Ramki

S/o.Raja Bakthar

57.Selvi

W/o.Raja Baskar

58. Vijaya.S

W/o.Saminathan

59.Selvamani

S/o.Shanmugam



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60. Anandhan.S
S/o.Shanmugam

61.Shankar
S/o.Kannan

62. Narayanasamy Devan
S/o.Devan

63. Murugan Subramani
S/o.Subramani

64. Elangovan

65.J.Vasanthi
W/o.Jayaram.B

66. Nesaraj
S/o.Anandhan

67. M.Veeran
S/o.Mudichan

68.Rajini
S/o.Appavu

69. Kuttyappan.S
S/o.Subramani

70. B.Padma

71.B.Kalyani
W/o.Balachanthiran

72. Kanniyammal

73. Amirtham.P
W/o.Paul Prabhakaran

74.Saravanan
S/o.Mari

75.Vembu Ammasi
S/o.Ammas

76. Rajeswari Manokaran



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W/o.Manoharan

77. Manikandan
S/o.Munusamy

78. Ravichandran

79. Anjalai.S
W/o.Shanmugam

80. Karunakaran.V
S/o.Venugopal

81. V.Janaki
W/o.Velayudham

82. Malliga

83. Mageshkumar Venu
S/o.Venu

84.Ashokkumar Venu
S/o.Venu

85. Sathiyaseelan Venu
S/o.Venu

86.Ganapathy S
S/o.Shanmugam

87. Veenus Babu V
S/o.Vedachalam

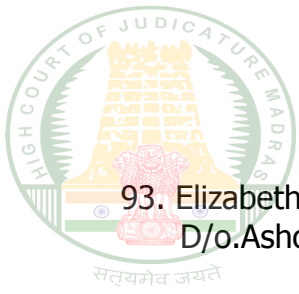
88. Sumathi Thenarasu
S/o.Thenarasu Govindasamy

89. Lakshmi
W/o.Palayam

90.Radhakrishnan

91. Janagiraman Valmurthy
S/o.Valmurthy

92. Mari



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93. Elizabeth Yuvanjalin Ashokkumar
D/o.Ashokkumar

94. Surya Arumugam
S/o.Arumugam

95.Sivakumar Arumugam
S/o.Arumugam

96.Sathish
S/o.Selvaraj

97. V.Prabakaran
S/o.Venugopal

98. S.Pramila
W/o.Suriya Babu

99. Durai Sanmugam
S/o.Sanmugam

100.Rajesh Durai
S/o.Durai

101. Vairamuthu
S/o.Durai

102. Elangovan
S/o.Durai

103. Sam Perumal
S/o.Perumal

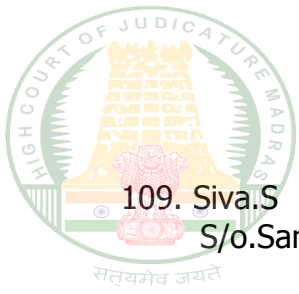
104. Stalin Perumal
S/o.Perumal

105. Prameela Perumal
W/o.Benny

106. D.Rajakumar
S/o.T.Duraisamy

107.Rajendran.P
S/o.Panayappan

108.M.Mallika
W/o.Mani



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109. Siva.S
S/o.Santhanam

110. Thirunavukkarasu

111. Rajenthiran
S/o.Chinnapaiyan

112. R.Kalaivanan
S/o.Rajendran

113. Manonmani Dhayalan
W/o.Dhayalan

114. P.Doss
S/o. Panai Appan

115. Marimuthu.S
S/o.Singaram

116. Banumathi Arumugam
W/o. Arumugam

117. S.Lakshmi
W/o.Sridhar

118. Vincent Vadhachalam
S/o.Vedhachalam

119. Dharani Kumar.S
S/o.Selvaraj

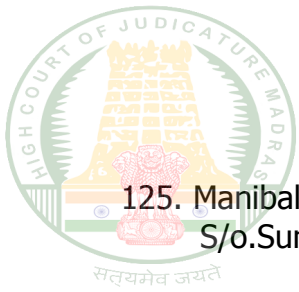
120. Raja
S/o.Velayutham

121. Vimal Paramasivam
S/o.Paramasivam

122. Ashok Paramasivam
S/o.Paramasivam

123. Praveena
D/o. Kuppuswamy

124. Kumar Sundaram
S/o.Sundaram



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125. Manibalan
S/o.Sundaram

126. Venugopal Ponnusamy
S/o.Ponnusamy

127. Vengaiya

128.Kuppan

129. Jayaraman Santhanam
S/o.Santhanam

130. Ravi Thulakannam
S/o.Thulakanam

131. D.Kumar
S/o.Duraisamy.T

132. Jayakumar.D
S/o.Duraisamy.T

133. Rajashekar

134. B.Vadivelu
S/o.Balakrishnan

135. Logidassan
S/o.Balakrishnan

136. Dilliyamal.B
S/o.Balakrishnan

137. Paramasivam Vellai
S/o.Vellai

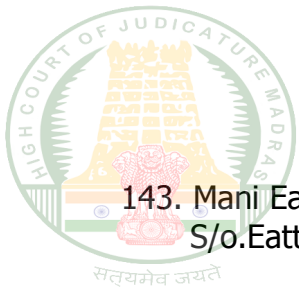
138. Saratha Munnusamy
W/o.Munnusamy

139. Indira
D/o.Santhanam

140. G.Rajini
S/o. Gopal.M

141. Selvaraj Kuppan

142. Jothi



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143. Mani Eatti
S/o.Eatti

144. Vanitha
D/o.Gubendiran

145. Maran Chinnapaiyan
S/o.Chinnapaiyan

146. M.Anthoni
S/o. Munusamy

147. Manthi
W/o.Duraisami.T

148.Sridhar
S/o.Arumugam

149. M.Veran

150. Kirubaimariyal Meganathan
W/o.Meganathan

151.D.Rose
W/o.Durai

152. M.Selvi
153. Govindasami
S/o.Singaram

154. D.Babu Sekar

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 600 009.

3.The District Collector,
District Collectorate,
Thiruvallur.



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4.The Revenue Divisional Officer,
J.N.Road (Near State Bank of India & Post Office),
Thiruvallur - 602 001.

5.The Tahsildar,
No.5, Trunk Road, Ettima Nagar,
Poonamallee,
Chennai - 600 056.

6.The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu.

7.The Assistant Engineer W.R.D,
Adayar Irrigation Section,
St. Thomas Mount,
Chennai - 600 016.

8.The Assistant Engineer W.R.D.,
Kosathalaiyaru Irrigation Section,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from initiation eviction in connection with Section 6 Notice, dated 29.07.2024 issued by the 8th respondent without considering the petitioners' representation dated 04.07.2024.

For Petitioners : Mr.S.Prabakaran, Senior Counsel,
For Mr.M.A.Gouthaman.

For Respondents : Mr.L.S.M.Hasan Fizal,
Addl. Govt. Pleader for R1, R2, R7 & R8.
Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate for R3 to R6.

* * *

ORDER

(By G.R.SWAMINATHAN, J.)

The writ petitioners want this Court to forebear the respondents from evicting them from their respective premises.



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2.It is admitted that the writ petitioners are residing in S.No.1/1A, Thiruverkadu Village. It was originally comprised in Sriperumbudur Taluk. At present, it is comprised in Poonamallee Taluk. Copy of the "A" register has been made available. It is seen therefrom that S.No.1/1A has been classified as "Cooum River". Thus, it is beyond dispute that the writ petitioners are in occupation of river poramboke. It has been held time and again both by the Madras High Court as well as the Hon'ble Supreme Court that encroachments in water bodies cannot be permitted and they cannot be regularized notwithstanding the length of time in the matter of occupation (**vide T.K.Shanmugam -vs- State of Tamil Nadu AIR 2016 MAD 25**). In view of the aforesaid authoritative decision of the Hon'ble Full Bench, no person in occupation of a water body can claim any relief or protection at the hands of the Court.

3.It is true that even a person in wrongful possession cannot be suddenly dispossessed. He / she will have to be given notice. In the case of hand, Form I and Form II notices were given to all the 160 families on 08.05.2024. It is relevant to mention here that even in the year 2017, steps were taken to evict the petitioners and they then filed W.P.No.33981 of 2017. The writ petition was disposed of by the Hon'ble First Bench with a direction to the Tahsildar, Poonamallee to issue notices to the writ petitioners within a period of one week and call upon them to submit their explanation along with relevant documents as to why, they should not be evicted from S.No.1/1A which is a Coovam River Poramboke. On receipt of such explanation from the petitioners, the Tahsildar was directed to consider same and pass a speaking order on merits and thereafter proceed in accordance with law.



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4.Pursuant to the said direction, the Tahsildar, Poonamallee conducted enquiry and rejected the request of the writ petitioners for re-classification of the petition mentioned land as "Grama Natham". The Tahsildar called upon the competent authority of Water Resources Department to take action for evicting the writ petitioners herein vide proceedings dated 31.07.2023.

5.Since river poramboke fell within the jurisdiction of Water Resources Department, the Assistant Engineer, Water Resources Department, Adayar Irrigation Section, Chennai also issued notices. The Tahsildar, Poonamallee made available the list of 160 encroachers vide communication dated 08.05.2024. In the meanwhile, the writ petitioners herein filed appeal before the Revenue Divisional Officer, Thiruvallur purporting to challenge the notices dated 31.07.2023 issued by the Tahsildar, Poonamallee. The writ petitioners subsequently filed W.P.No.15213 of 2024 for forbearing the authorities from evicting them within considering their statutory appeal. The said writ petition was disposed of by the Hon'ble Division Bench on 13.06.2024 with a direction to the jurisdictional Revenue Divisional Officer to dispose of the appeal dated 24.05.2024 within a period of ten days i.e., 24.06.2024. It was further clarified that if the Revenue Divisional Officer was not the appellate authority and if there is no statutory provision for appeal to him, it was open to the fourth respondent therein to say so. Vide order dated 22.06.2024, the Revenue Divisional Officer dismissed the appeal. It appears that this order passed by the Revenue Divisional Officer, Thiruvallur was not challenged and that it has become final.



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6.The only question that calls for consideration is regarding the character of S.No.1/1A, Thiruverkadu Village. The authorities have conclusively proved that it is a "river poramboke" (Cooum River) by producing the FMB Sketch and "A" Register extract. When admittedly, it is a water body, the writ petitioners cannot have any defence. The maximum indulgence that they can seek is for asking reasonable time to vacate. If they are eligible, then they can seek alternative accommodation.

7.Even though the writ petitioners are encroachers and their encroachment comes under objectionable category, the government has taken suitable steps to rehabilitate them. Alternative housing accommodation has been made ready. All that the writ petitioners need to do is to offer their bio-metric details. The respondents are ready to hand over keys to the writ petitioners, the moment they vacate the premises in question

8.On account of encroachment of the writ petitioners, the government has not been able to implement the Integrated Cooum River Eco-Restoration Project. The government wants to restore the river to its original position. The project remains struck on account of the encroachments. The Madras High Court in hundreds of cases has given categorical direction to remove the encroachments in water bodies. Removing the encroachments in water bodies is a constitutional duty cast on the government.

9.Since on account of the encroachments, the government project could not be implemented, we direct the authorities concerned to ensure that all the encroachments in



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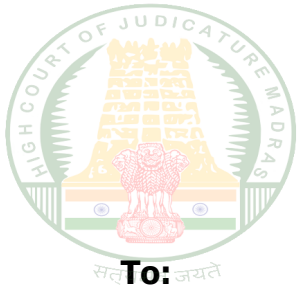
Cooum River are cleared within a period of eight weeks from the date of receipt of a copy of this order. The District Collector, Thiruvallur District and the Commissioner of Police, Avadi Police Commissionerate are directed to extend their fullest assistance and cooperation to ensure that this drive is successfully completed. If the authorities fail to clear the encroachments as mandated above, it will constitute contempt of Court.

10. Recording the stand of the learned Additional Advocate General that all the writ petitioners would be rehabilitated, the writ petition is dismissed with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

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

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

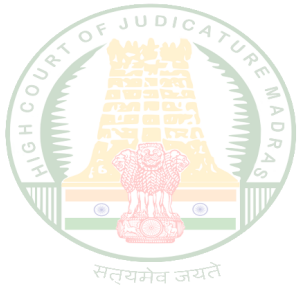
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- 1.The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai - 600 009.
- 2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 600 009.
- 3.The District Collector,
District Collectorate,
Thiruvallur.
- 4.The Revenue Divisional Officer,
J.N.Road (Near State Bank of India & Post Office),
Thiruvallur - 602 001.
- 5.The Tahsildar,
No.5, Trunk Road, Ettima Nagar,
Poonamallee,
Chennai - 600 056.
- 6.The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu.
- 7.The Assistant Engineer W.R.D,
Adayar Irrigation Section,
St. Thomas Mount,
Chennai - 600 016.
- 8.The Assistant Engineer W.R.D.,
Kosathalaiyaru Irrigation Section,
Chepauk, Chennai – 600 005.



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

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