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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 17421 of 2021 & WP No. 4582 of 2021

and

WMP Nos. 18485 & 18486 of 2021, WMP Nos. 5206 & 5207 of 2021

N.Shanmugham
S/o.K.Narayanasamy, No.2, NSK street,
Kalaivanar Nagar, Padi, Chennai-50

..Petitioner(s)

Vs

1. The Government of TamilNadu
Rep by Secretary to Government, Revenue
Department, Fort St.George, Chennai-9
2. Commissioner of Land Administration
Chepauk, Ezhilagam, Chennai-5
3. The District Collector,
Chennai District, Rajaji Salai, Chennai-1
4. The Chennai Metropolitan Development
Authority
Rep by its member secretary, Talamuthu
Natarajan Building, No.1, Gandhi Irwin Road,
Egmore, Chennai-8
5. CMDA Chief Planning Approval Officer
Talamuthu Natarajan Building, No.1, Gandhi
Irwin Road, Egmore, Chennai-8
6. Revenue Divisional officer
Ambattur Division, Thirumangalam Vavin
Road, Chennai-600101
7. The Tahsildar
Ambattur Taluk, Ambattur, Chennai-53



8. The Tamilnadu Housing Board,
Rep by its Managing Director, Anna salai,
chennai-35
9. The Executive Engineer and Administrative
officer
The TamilNadu Housing Board, Anna Nagar,
Kottam, Thirumangalam,chennai-600 101
10. The District Registrar
Central Chennai, Office of the District
Registrar, Chennai Central, Chennai -18
11. The Sub Registrar-Villivakkam
Office of the Sub Registrar, Nolambur, chennai

..Respondent(s)

WP No. 4582 of 2021

N.Shanmugham
S/o. K. Narayansasamy, No.2, NSK Street,
Kalaivanar Nagar, Padi, Chennai 50

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep by Additional Chief Secretary to
Government, Revenue and Disaster
Management Department, Land Disposal Wing
(LD5(2) Section, Fort. St.George, Chennai 9
2. The District Collector
Chennai District, Rajaji Salai, Chennai 1
3. The Tamil Nadu Housing Board
Rep by its Managing Director, Anna Salai,
Chennai 35

..Respondent(s)

To call for the records of the 9th respondent in proceedings dated 26.3.2021 and made in letter No.A.Na.Ko / Survey / 1727 / 2019 and quash the same and consequently direct the respondents 1 to 3 to handover the Natham Land in S.No. 253/ 14, Padi Pudu Nagar, Padi village, Ambattur Taluk, Chennai District to Greater chennai corproation for utilizing the said



land for public purpose and protect the same from being encroached by the 8th respondent

WP No. 4582 of 2021

To call for records of the 1st respondent dated 1/2/2021 and made in G.O. Ms.No. 105 and quash the same and consequently directing the respondents to maintain and preserve water bodies in S.F. No. 53/2, 108/2B, 120/4, 121/2, 161/2, 253/1, 253/4, 253/5, 253/6, 253/8, 253/9, 253/10, 253/12, 253/15, 253/16, 253/3, 253/13, 253/11, 273/2, 274/3, in Padi Village, Ambattur Taluk, Chennai District as water bodies

WP No. 17421 of 2021

For Petitioner(s): Mr.N.A.Nassir Hussain

For Respondent(s): Mr.A.Selvendran,
Spl.G.P. for R1 and R2 ,
Mr.P.S.Raman,
Advocate General
assisted by
Mr.D.Veerasekaran,
Standing Counsel SC TNHB for R8 and R9 ,
Dr.S.Suriya for R3, R6, R7, R10 & R11 ,
Ms.S.Mridhula Royan,
Standing Counsel for CMDA for R4 & R5

WP No. 4582 of 2021

For Petitioner(s): Mr.N.A.Nassir Hussain

For Respondent(s): Mr.T.Arun Kumar,
Addl.G.P. for R1 and R2 ,
Mr.P.S.Raman,
Advocate General
assisted by
Mr.D.Veerasekaran,
Standing Counsel SC TNHB for R3

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

W.P.No.4582 of 2021 has been instituted challenging the Government Order issued in G.O.Ms.No.105, Revenue and Disaster Management Department dated 01.02.2021. W.P.No.17421 of 2021 has been instituted challenging the proceedings dated 26.02.2021.

2. The main contention raised by the petitioner is that portion of the water bodies classified as Eri Vaikal, Erikarai, Padi Eri, Eri Ulvai in Padi Village of Ambattur Taluk, Chennai District, has been allotted in favour of the Tamil Nadu Housing Board and therefore, the Government Order is in violation of the judgment of the Hon'ble Apex Court and this Court, since the water body cannot be allowed for developing the residential flats/plots by the Tamilnadu Housing Board. Particularly, in S.No.253, water bodies are situated and the Government allotted the said water bodies in favour of the Tamilnadu Housing Board and thus, the petitioner, being the activist, filed the present writ petitions.

3. Mr.N.A.Nassir Hussain, learned counsel for the petitioner would reiterate that the subject property situate in Chennai City and in the event of conversion of water body as residential flats/plots, it will lead to disaster, consequences during rainy season. Thus, the present writ petitions are to be considered.



4. Mr.P.S.Raman, learned Advocate General appearing on behalf of the State would oppose by stating that projects were developed by the Housing Board in the year 1994 in the subject property. Roads, canals are provided as it is and no projects are developed by the Housing Board in respect of canals earmarked. Even in future, the Housing Board has no proposal to construct any building in the entire subject location. Therefore, the projects which were constructed in the year 1994 and earlier, need not be disturbed now.

5. The Government allotted the subject property in favour of Tamilnadu Housing Board initially in G.O.Ms.No.2318 dated 15.12.1979. Possession was taken by the Tamil Nadu Housing Board and subsequently, the Government issued G.O.Ms.No.543, Revenue Department dated 05.04.1988 and certain portion of water body was converted for construction of residential houses during the year 1979 and 1988 and the residential projects were developed by the Housing Board in the year 1994. Thus, the Government Orders and the scheme implemented remains unchallenged for several years. Only G.O.Ms.No.21 dated 01.02.2021, which is consequential order issued by the Government, at a later point of time, is under challenge in the present writ petition. In addition, the learned Advocate General relied on the status report filed by the Tamil Nadu Housing Board that the Housing Board has no proposal of any further construction in future in respect of the roads, canals, water bodies which are left during the implementation of the project during the year 1994.



6. This Court has considered the submission made between the parties to the lis.

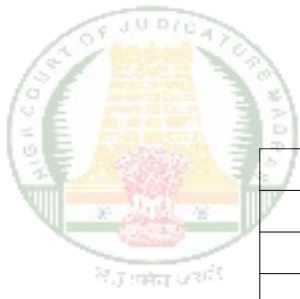
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7. The status report filed by the Tamil Nadu Housing Board would be sufficient to understand the present status of the subject land and the status report is extracted hereunder along with the map enclosed with the status report.

"1. I humbly submit that the Government directs that the padi tank situated in R.S.No.253 in Padi Village of Saidapet Taluk, Chengalpattu district be abandoned as in irrigation sources and the entire tank poramboke measuring an extent of 99.80 Acres be transferred to Revenue Department for alienation to the Tamil Nadu Housing Board and the Tamil Nadu Housing Board was permitted to enter upon the lands for the purpose of carrying out development works as per the G.O.(Ms)No.2318 PWD dated 15.12.1979.

2. I humbly submit that, in pursuance to abandonment of the Lake, Government in its letter dated 07.01.1980 called for a proposal from District Revenue Officer, Chengalpet to change the classification of the land and transfer the right of ownership to Tamil Nadu Housing Board. In this regard the Commissioner for Land Administration in his report stated that there are large numbers of encroachments in the form of huts in the name of several areas in Padi Lake. Therefore, the said lands were sub-divided as per the G.O. (Ms.)No.543 Revenue (A1) Department dated 05.04.1988 as given below.

Survey No.	Sub Division No.	Extent in Acres	Classification
253	1	4.44	Lakeside
	2	11.55	Kalaivanar Nagar
	3	2.10	Road
	4	0.78	Sewage Water Canal
	5	16.94	Housing Board Flats
	6	1.08	Canal
	7	3.46	Kalaivanar Nagar
	8	0.80	Road
	9	2.27	Vacant
	10	0.94	Canal
	11	17.55	Housing Board Flats
	12	1.47	Road



	13	2.87	Road
	14	18.15	Pudu Nagar and Collector Nagar
	15	5.32	Pond
	16	6.82	Canal
	17	3.26	Periyar Nagar, Kamaraj Nagar Gandhi Nagar
	Total	99.80	

3. Out of the total extent of 99.80 acres of land an extent of 63.38 acres had been handed over to the Tamil Nadu Housing Board and the extent of land utilized by the Tamil Nadu Housing Board are listed below:

Survey No.	Scheme Implemented- Present status	Total extent in Acres handed over to TNHB	Extent of the Land utilized by TNHB
253/1	205 Flats scheme implemented and the flats were handed over and sale deed was also executed in favour of the respective allottees	4.44 (As per G.O.Ms.No.543, dated 05.04.1988 & G.O.Ms.No.105 dated 01.02.2021). In ground reality and as per TSLR in S.No.253/1, only 0.62 acres are available.	
253/3	Road	2.10	2.10
253/4	Land sold out to	0.78	0.78
253/5	LIC of India vide	16.94	16.94
253/6	Sale deed	1.08	1.08
253/8	Doc.No.2397/19	0.80	0.80
253/9	94 dated 17.08.1994, roads and Channel	2.27	2.27
253/10	Canal	0.94	0.94
253/11	Radial houses	17.55	17.55
253/12	constructed by TNHB and sold out to General Public, Roads and Channel	1.47	1.47
253/13	Road	2.87	2.87
253/15	Encroachment regularized by TNUHDB	5.32	
253/16		6.82	6.02
	Total	63.38	53.08

[illegible]



8. G.O.Ms.No.21 dated 01.02.2021 is a consequential Government Order issued and the scheme was approved by the Government by handing over the entire subject land to the Housing Board in the year 1979 and during 1988. Further , G.O. was issued converting certain portion of water body for developing residential flats. Therefore, the project implemented long before need not be disturbed at this length of time and moreover, the petitioner has challenged only the consequential order dated 01.02.2021 which cannot be construed as an initial cause of action arose, warranting interference by this Court. As soon as the Housing Board implemented the project in the year 1994, thousands of residents were occupied their respective plots or flats and constructed houses. Now, on the efflux of time, the relief as such sought for by the petitioner deserves no merit consideration. However, it is made clear that Housing Board shall not put up any further construction in respect of existing water body, public roads and common purpose area which is maintained for the benefit of the people residing in that location in accordance with the statutes and rules in force. Accordingly, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.S.,J.)
18-03-2026

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

VSI



To

1. The Secretary to Government, Revenue Department, Fort St.George, Chennai-9
2. Commissioner of Land Administration
Chepauk, Ezhilagam, chennai-5
3. The District Collector
Chennai District, Rajaji Salai, Cchennai-1
4. The Member Secretary,
Chennai Metropolitan Development Authority
Talamuthu Natarajan Building, No.1, Gandhi
irwin Road, Egmore,chennai-8
5. CMDA Chief Planning Approval Officer
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Tamilnadu Housing Board,
Anna Salai, Chennai-35
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Officer
The TamilNadu Housing Board, Anna Nagar,
Kottam, Thirumangalam,chennai-600 101
10. The District Registrar
Central Chennai, office of the District Registrar,
Chennai Central, Chennai -18
11. The Sub Registrar-Villivakkam
Office of the Sub Registrar, Nolambur, Chennai
12. The Additional Chief Secretary to Government,
Revenue and Disaster Management
Department, Land Disposal Wing (LD5(2)
Section, Fort. St.George, Chennai 9



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

VSI

**WP No. 17421 of 2021
and
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18-03-2026