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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 29209 of 2024

and

WMP No. 31901 of 2024

P.Vishnu Praveen

..Petitioner

Vs.

1. The Principal Secretary,
Public Works Department (WRD),
Secretariat, Fort St. George,
Chennai -600 009.
2. The Chief Engineer,
Tiruchirappalli Region,
Pudukkottai Road,
P.B. No.803, Subramaniapuram,
Tiruchirappalli -620 020.
3. The Superintending Engineer,
Public Works Department (WRO)
Lower Cauvery Basin Circle,
Thanjavur-613 001.
4. The Special Executive Engineer,
Public Works Department (WRO),
Cauvery Basin Division (East),
Mayiladuthurai - PIN
Mayiladuthurai District - 609 001.
5. The District Collector,
Collectorate,
Nagapattinam-611 003.

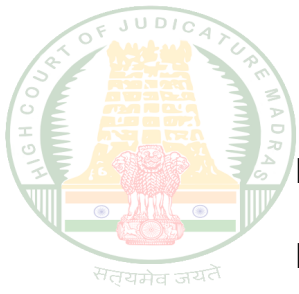


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6. The District Revenue Officer,
O/o. The District Revenue Officer,
Kilvelur Taluk,
Nagapattinam-611 003.
7. The Revenue Divisional Officer,
O/o The Revenue Divisional officer,
Nagapattinam,
Nagapattinam District- 611 001.
8. The Tahsildar,
Kilvelur Taluk,
Nagapattinam District- 611 104.
9. The Superintendent of Police
Nagapattinam District,
Nagapattinam-611 001.
10. The Deputy Superintendent of Police,
Nagapattinam District,
Nagapattinam-611 001.
11. The Inspector of Police,
Kilvelur Police Station,
Nagapattinam -611 104.
12. Jaya Prabha

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 and 7 to 8 to consider the Petitioner's representation dated 09.09.2024 and implement the order passed by the 6th respondent in proceedings vide Na.Ka.3736/2023/A3 dated 15.09.2023 in restoring the Samba Tank Kanni comprised in S.No.165/1 of Anaikudi Revenue Village, Irinjiyur Village, Kilvelur Taluk, Nagapattinam District illegally encroached by the 12th respondent within a time to be stipulated by this Court.



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For Petitioner :

Mr.U.Kathiravan

For Respondents :

Mr.T.Arunkumar,
Addl. Govt. Pleader for R1 to R8

Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor for R9 to R11

R12 – No appearance

Order

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

The present Writ of Mandamus has been instituted directing the respondents 1 to 5 and 7 to 8 to consider the Petitioner's representation dated 09.09.2024 and implement the order passed by the 6th respondent in proceedings vide Na.Ka.3736/2023/A3 dated 15.09.2023 in restoring the Samba Tank Kanni comprised in S.No.165/1 of Anaikudi Revenue Village, Irinjiyur Village, Kilvelur Taluk, Nagapattinam District illegally encroached by the 12th respondent within a time to be stipulated by this Court.

2. With reference to the grievance of the petitioner, the Revenue Divisional Officer, Nagapattinam Division after conducting field survey filed a counter affidavit stating that the encroachments are identified in respect of the Government land and all further actions will be initiated to remove the encroachments by following the procedures. The relevant paragraphs in the counter affidavit reads as under:

I submit that the Tank Kanni as contended by the petitioner was used as drainage as well irrigation canal which



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had been used for common purpose and was in existence for many years. The kanni had been used by the farmers in the vicinity. The tank Kanni is located in such a way that water for the said Irrigation Canal runs from the main stream of the Irinjiyur Ayyanar Temple. The subject tank Kanni is the source for irrigation and was used mainly in the rainy seasons to drain the flood water out of the agriculture lands. The twelfth respondent claims that the kanni was dredged and established by her husband while he was alive for their personal usage. As she had decided that the kanni was no longer of any used and had filled up the earth and removed the existence of kanni. The twelfth respondent contends that the kanni existed in her private property and that the petitioner or any other person could not claim any right over the same. But the kanni had been existence for a long time and had been used by the adjacent land owners as a drainage and irrigation channel for several years. The kanni has been detailed in the 'A' register, FMB and other records of the Government.

12. I submit that the revenue records and field maps of the Government would show the channels, foot paths and cart tracks which run through patta properties as "details." The pattadar or land owner should not encroach such a detailed channel or pathway as mandated by G.O.Ms.No.2254 Revenue dated 22.05.1962.

I crave leave to place 26(15) of the Revenue Standing Orders which stipulates as under:-

"Encroachment on Plan – marked details – A plan – marked channel or pathway running in a patta land is a Government land Eviction of encroachments in such lands need be invoked only in cases where the encroacher has interfere with the plan marked detail so as to close its entrance



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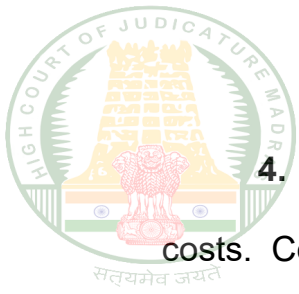
to and exit from his lands. In the case of pathways and cart tracks which have been used by the public till recently, the ryot should not be allowed to shift the Course of the details to suit his own convenience.

However, such diversions of plan marked channel from its Original Course with a view to consolidate his holding or to facilitate irrigation of the portions which would be otherwise severed need not be treated as encroachment. ”

As such the Government has a right to evict the twelfth respondent as an encroacher in a detailed kanni which is a Government land taking recourse to the provisions of Tamil Nadu Land Encroachment Act, 1905.

13. Against the backdrop of the facts stated above, I submit that the Government has already initiated action against the twelfth respondent. It is also prepared to initiate appropriate action into the matter within the time frame that may be stipulated by this Honourable Court and abide by any condition or conditions that may be imposed by this Honourable court in this matter.

3. In view of the above, submission made by the Revenue Divisional Officer, all further actions are directed to be initiated to ensure that the encroachments are removed by following the procedures as contemplated under the relevant statutes and Rules in force. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



4. With the above directions, this Writ Petition is **disposed of**. No costs. Consequently, the connected miscellaneous petition is closed.

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(S.M.S.,J.) (K.S.,J.)
01-04-2026

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

DSA

To

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Public Works Department (WRD),
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Chennai -600 009.
2. The Chief Engineer,
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WP No. 29209 of 2



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

DSA

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