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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 34571 of 2025

Kings International Medical Academy Pvt. Ltd.,
Rep. By Its Authorised Signatory,
Daniel Athistakumar,
Having Its Registered Office At No. 122, East
Coast Road, Poonjeri Village,
Mamallapuram 603 104

..Petitioner(s)

Vs

1. The Commissioner Of Land Administration
Chepauk Chennai 05
2. The District Collector
Chengalpattu District, Chennai 603 001
3. The Revenue Divisional Officer
Chengalpattu Division, Chengalpattu 603 001
4. The Tahsildar
Thirukkazhukundram Taluk, Chengalpattu
District
5. The Executive Officer
Mamallapuram Town Panchayat,
Mamallapuram 603 104
6. The Revenue Inspector
Mamallapuram 603 104
7. P.N.Rajkumar

..Respondent(s)



Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorari calling for the records leading to the issuance of the order dated 22.08.2025 bearing Proc.No. T1/ 10317467 / 2025 passed by the 1st respondent and quash the same.

For Petitioner(s): Mr.B.Arvind Srevatsa

For Respondent(s): Mr.T.Arunkumar for R1-6
Mr.S.Angamuthu for R7

ORDER

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

Writ on hand has been instituted challenging the proceedings of the Commissioner of Land Administration, dated 22.08.2025.

2. Petitioner is running a coaching centre in his patta land. He has encroached upon water body in Survey No.65 at Poonjeri Village, Thirukazhukundram Taluk, Chengalpattu, which is classified as 'Vannan Kuttai'. Extend of water body is 0.46.0 hectares. Show cause notice was issued for removal of encroachment. Petitioner approached this Court challenging the said notice, and this Court has granted liberty to the petitioner to submit his explanations, which is to be considered on merits. The original authority rejected the claim of the petitioner for grant of assignment of the water body. Petitioner preferred a representation before the Commissioner of Land Administration. Commissioner conducted a detailed enquiry by affording opportunity to all the parties. Petitioner participated in the enquiry and defended their case. The findings of the Commissioner in order dated



22.08.2025 is as extracted hereunder,

Findings:-

1. *The Revision Petitioner themselves have admitted that they are in possession of S.No.65, classified as Vannan Kuttai & S.No.54(A), classified as Kuttai.*

2. *The petitioner has encroached the water body and Erected construction such as Statues, Artificial water fall fountain and structures etc.*

3. *Towards the query on the aegis of remitting the Corporate Social Responsibility (C.S.R.) fund, the petitioner has replied that they do not receive and are in possession of any written orders from Collector or Government. The random suo-motu act of the petitioner in remitting C.S.R. fund without any authentic order will not bind the Government.*

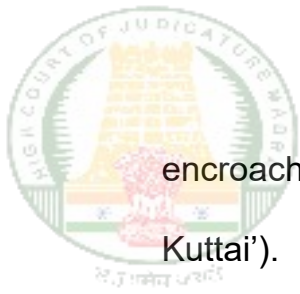
4. *Since the petitioner themselves has stated that they have remitted an amount for maintaining the impugned land under C.S.R. Scheme, the petitioner's counsel was directed during the hearing to submit physical documents to substantiate their remittance claim through relevant order, whereas the counsel for the revision petitioner replied that there is no such order received neither from the District Collector, Chengalpattu nor from Government to remit such amount or permitting them to construct permanent structures. As such, the above act will not*



bind the Government to have a leniency towards the petitioner for their illegal act of encroaching the objectionable water body by way of construction of structures.

5. Further, it is also contended during hearing the revision petitioner seems to have confessed that apart from this S.No.65 they are also in possession of S.No.54A a Kuttai Poramboke and requested for maintaining it.

3. Commissioner relied on the judgments of this Court regarding encroachment in water body, made a conclusion that petitioner is not entitled for any relief, and consequently revision petition was rejected. Findings of the Commissioner, Land Administration would indicate that petitioner themselves have admitted that they are in possession of Survey No.65 classified as 'Vannan Kuttai' and Survey No.54(A) classified as 'Kuttai'. Even before this Court, petitioner has not disputed the said fact. Only contention of the petitioner is that they have submitted an application seeking permission for usage of the said portion of the water body. During pendency of the application, enforcement actions have been initiated. Mere submission of the application or pendency would not confer any right to secure any relief from the hands of this Court, in view of the fact that petitioner admittedly is an encroacher in a water body. Commissioner also confirmed the order of the District Collector, Chengalpattu dated 22.03.2025 holding that petitioner is an encroacher in a water body, and directed the authorities evict the



encroachments, which is classified as Government water body ('Vannan Kuttai').

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4. In respect of water body, the same cannot be assigned even by the authorities, in view of an expressed bar under Revenue Standing Orders (RSO). The Full Bench of this Court in the case of ***T.K.Shanmugam Vs. The State of Tamil Nadu*** in W.P.No.1294 of 2009 has reiterated the principles that encroachment in water body at no circumstances be allowed, and water body is to be preserved for the public interest. Paragraph Nos.21 and 27 of the judgment are extracted hereinunder,

“21. We may now refer to certain provisions of the RSOs with particular reference to water bodies. Part II of the RSO deals with disposal of land. RSO 15(5) states that only land, the assignment of which is unobjectionable shall be assigned, lands acquired for communal purposes shall not be assigned, tank-bed lands should on no account has been assigned without consulting an appropriate technical officer including the Chief Engineer and without specific orders from the Government. RSO 15(38)(ii) deals with water course poramboke and states that great care should be taken to preserve the margins of canals, channels and streams and the transfer and assignment of such water course source poramboke can be ordered only by Government in consultation with the Commissioner of Land Administration and the Chief Engineer (PWD), vide G.O.Ms.No.1267, Revenue, dated 29.12.1997. General Instructions



given for Land Administration states that encroachments in poramboke lands like water sources/courses, gracing grounds, temple lands, kalam, etc., are considered as highly objectionable and these encroachments have to be evicted. The Revenue, Public Works and Highways Department authorities and local bodies like Municipalities and Corporation have been empowered to evict unauthorised encroachments after giving due notice under the Tamil Nadu Land Encroachment Act, 1905, for which a District level Committee under the Chairman of the District Collector has been constituted. Insofar as the directions contained in the RSO which are inconsistent with any other subsequent enactment or decision of this Court or the Hon'ble Supreme Court are deemed to have been superseded.

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27. Section 11 of the Tank Act, specifically states that the operation of other laws not to be affected, as the provisions of the Tank Act shall be in addition to and not in derogation of any other law for time being in force. Thus, the encroachments in respect of water bodies which are not covered under the provisions of the Tank Act have to be necessarily removed by resorting to the procedure under the Land Encroachment Act. We are not inclined to ignore the directions issued by the Division Bench in L.Krishnan's case, as general observations, as observed in Sivakasi Region Tax Payers Association's case. We may hasten to add that in



L.Krishnan's, the Division Bench issued positive direction to the State Government and this cannot be brushed aside as general observations and more so in the light of the observations in the case of Jagpal Singh, wherein pointed directions were issued by the Hon'ble Supreme Court to all the Chief Secretaries. In Sivakasi Region Tax Payers Association's case though the Division Bench upheld the G.O.Ms.No.854, it held that the said G.O., must read along with the provisions of the Land Encroachment Act, Tank Act and Standing Orders of Board of Revenue. If that be the interpretation, the question would be whether the State Government would be empowered to issue Government Orders for regularising encroachments in water bodies on the ground that the 34 water body has lost its character and it is no longer a water body on account of disuse. We may answer this query by referring to the observations of the Hon'ble Supreme Court in the case of Jagpal Singh :

19. In this connection we wish to say that our ancestors were not fools. They knew that in certain years there may be droughts or water shortages for some other reason, and water was also required for cattle to drink and bathe in etc. Hence they built a pond attached to every village, a tank attached to every temple, etc. These were their traditional rain water harvesting methods, which served them for thousands of years.

20. Over the last few decades, however, most of these ponds in our country have been filled with earth and



built upon by greedy people, thus destroying their original character. This has contributed to the water shortages in the country. Also, many ponds are auctioned off at throw away prices to businessmen for fisheries in collusion with authorities/Gram Panchayat officials, and even this money collected from these so called auctions are not used for the common benefit of the villagers but misappropriated by certain individuals. The time has come when these malpractices must stop.

5. In view of the legal position and considering the fact that petitioner is an encroacher of a water body, petitioner is not entitled for any relief in the present writ petition.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
11-03-2026

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

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**S.M.SUBRAMANIAM, J.
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