



W.P.Nos.462 to 467 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Mrs.S.Vasandhi	..	Petitioner in WP 462 of 2018
Mr.E.Marimuthu	..	Petitioner in WP 463 of 2018
Mr.R.Gnanam	..	Petitioner in WP 464 of 2018
Tmt.S.Lakshmi	..	Petitioner in WP 465 of 2018
Mrs.R.Lakshmi	..	Petitioner in WP 466 of 2018
Mr.N.Kannan	..	Petitioner in WP 467 of 2018

-vs-

1. The District Collector
Kancheepuram District
Kancheepuram
2. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Egmore, Chennai 600 008
3. The Tahsildar
Pallavaram Taluk, Chennai 600 043



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4. The Asst. Engineer
Public Works Department
Water Resources Organisation
Adyar Irrigation Work
St.Thomas Mount, Chennai-16

5. Casa Grand Builders Pvt.Ltd.,
Devi Apartments
New No.111, Old No.59,
NPL, L.B.Road
Thiruvanmiyur, Chennai 600 041
(R5 suo motu impleaded as per order
of Court dt.16.07.18 in WP Nos.462
to 467 of 2018)

.. Respondents in all the W.Ps

Petitions under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the entire records relating to the impugned order in Form III Rule 6(1) passed by the fourth respondent herein dated 02.11.2016 and to quash the same.

For Petitioners :: Mr.R.Prabhakaran

For Respondents :: Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader
for R1, R3 & R4
Mr.C.N.Vinoba
Standing Counsel for R2
No appearance for R5



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ORDER

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These writ petitions have been filed by the petitioners challenging the impugned notice dated 02.11.2016 issued by the Assistant Engineer, Public Works Department, Water Resources Organisation, Adyar Irrigation Work, Chennai, the fourth respondent herein in Form III under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 directing the petitioners to remove the encroachments made in part and parcel of the land covered in Survey No.178 in Thai Mugambikai Nagar, Anakaputhur Village, Kanchipuram District.

2. Learned counsel appearing for the petitioners submitted that the petitioners have been in possession and enjoyment of the subject land for the last 40 years and their properties have been assessed to property tax and although the authorities have granted pattas to most of the persons, the petitioners alone have been issued with the impugned notices on the premise that it is a water body. He also submitted that in the Second Master Plan



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issued by the CMDA, the land covered in Survey Nos.236, 234 and a small portion in Survey No.128 are alone classified as water bodies and the land in possession of the petitioners in Survey No.178 is only a primary residential area. According to the petitioners, the authorities, under the guise of removing encroachments in the Adyar canal, had wrongly issued the impugned notices to the petitioners directing them to remove the encroachments.

3. It is at this stage, Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents 1, 3 & 4 submitted that as the land in possession of the petitioners is falling within the water body, the impugned notices have been issued. Since the writ petitions filed by the petitioners/encroachers are pending before this Court, no further action has been taken.

4. Since the impugned notices have already been issued to the petitioners/encroachers for removal of the encroachments, it is made clear



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that the respondents 1, 3 & 4 shall conduct a precise survey with the help of Surveyor and, if the survey report discloses that any encroachment has been made in the water body in question, after issuing notice to the persons concerned and after considering their reply/representation along with supporting documents, they can proceed further for doing the needful. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. With this observation, the writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.528, 530, 532, 534, 536 and 538 of 2018 are closed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

25.01.2023

SS

To

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3. The Tahsildar

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4. The Asst. Engineer

Public Works Department
Water Resources Organisation
Adyar Irrigation Work
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SS

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