



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2025

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THE HON'BLE MR JUSTICE M. SUNDAR

AND

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 2589 of 2025

AND

WMP NO. 2906 OF 2025, WMP NO. 2911 OF 2025, WMP NO. 2908 OF 2025

1. P.R.Sambasivam
S/o P.N. Ramaswamy Residing at Plot No 73,
Door No 3/557, Bhawani Street, Kagithapuram,
S. Kulathur Old Pallavaram Post,
Chennai 600 117.
2. Revathi Sambasivam
W/o P.R. Sambasivam, Residing at Plot No 73,
Door No 3/557, Bhawani Street, Kagithapuram,
S. Kulathur Old Pallavaram Post,
Chennai 600 117.

..Petitioner(s)

Vs

1. The Principal Secretary
The Government of Tamil Nadu,
Public Works Department, Fort St. George
Chennai 600 009.
2. The District Collector
Chennai District, Rajaji Salai,
Chennai 600 001.
3. District Revenue Officer
Office Of DRO, 4th Floor,
Chennai Collectorate Bldg,



Rajaji Salai, Chennai 600 001.

4. Revenue Divisional Officer
South Chennai Zone, GST Road, Guindy,
Chennai 600 032.

5. The Tahsildar
Sozhanginallur Taluk, Chennai 600 119.

6. The Assistant Engineer
Water Resources Department,
Assistant Engineer's Office,
Public Works Department, Padappai,
Irrigation Division,
Kancheepuram District 601 301.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, to call for the records of the 6th respondent viz., the Assistant Engineer, Water Resources Department Notice dated 07.01.2025 in Form III under the Rules of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules 2007 and to quash the same and to further direct the respondents to conduct the proper survey and to disclose the details of the same to the petitioner.

For Petitioner(s): Ms.Sudharshana Sunder

For Respondent(s): Mr.T.K.Saravanan

Additional Government Pleader

Order

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

Captioned matter is listed under the cause list caption 'FOR REPORTING COMPLIANCE'.



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2. Captioned main WP and writ miscellaneous petitions thereat were disposed of by this Court in and by an order dated 27.01.2025, paragraph No.12 is the operative portion and the same reads as follows:

'12. In the light of the narrative, discussion and dispositive reasoning thus far, following order is made:

(i) Impugned notice is now kept in abeyance till disposal of statutory appeal before R3;

(ii) If the outcome of the statutory appeal is in favour of the writ petitioners, that will be the curtains on the matter;

*(iii) If the outcome of the statutory appeal is not in favour of the writ petitioners, impugned notice will get activated and the same will then become a SCN in view of **T.K. Shanmugam** principle, more particularly, sub sub-paragraphs (i) to (iii) of sub-paragraph (f) of paragraph 15 thereat;*

*(iv) This shall be communicated to the writ petitioners by way of a separate communication and thereafter, writ petitioners shall respond to the impugned notice and further proceedings under Tanks Act and Tanks Rules (if that be so) shall be in accordance with the procedure vide **T.K. Shanmugam supra**;*

(v) We have noticed that there is a provision for filing a revision under Section 13 of the Patta Pass Book Act and therefore, if the order in the statutory appeal is adverse to the writ petitioners and if the writ petitioners seek revision, obviously, further proceedings vide impugned notice should await outcome of the revision and finality of the same too [if it is filed within a fortnight from date of service of order of DRO (R3-Appellate Authority) on writ petitioners];

(vi) We make the position clear as revision which is a statutorily vested right qua writ petitioners should not be neutralized;

(vii) If the matter reaches revision stage, the revisional authority under the Patta Pass Book Act will do well to dispose of the revision as expeditiously as his official business would permit but in any event within a period of 30 days from date of filing of revision petition.



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(viii) *Though obvious, we make it clear that any further coercive action, if that be so, will be subject to and depending on the final outcome of the impugned notice which is now kept in abeyance to await the order of Appellate Authority (R3);'*

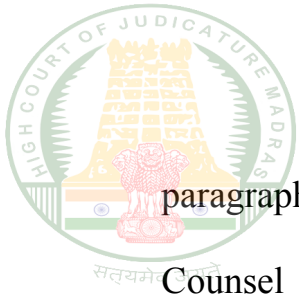
3. Today, Ms.Sudharshana Sunder, learned counsel representing counsel on record for writ petitioners and Mr.T.K.Saravanan, learned Additional Government Pleader for respondents are before us.

4. Learned State Counsel draws our attention to a compliance report dated 29.07.2025 filed by R3 [District Revenue Officer, Chennai]. Paragraph Nos.4 and 5 of the compliance report are significant and the same read as follows:

'4. It is respectfully submitted that, as directed by this Hon'ble High Court, this respondent conducted detailed enquiry on 21.01.2025, 07.02.2025, 07.03.2025 and 14.03.2025 by serving notice to the parties concerned and the writ petitioners appeared and submitted their written statements based on the written submission submitted by the writ petitioner an order vide proceedings Na.Ka.J11/e-2790173/2024 dated 19.07.2025 was passed confirming the orders of the Revenue Divisional Officer, South Division (R4) herein, in a proper and meticulous manner.

5. It is respectfully submitted that the proceedings vide Na.Ka.J11/e-2790173/2024 dated 19.07.2025, were dispatched to the writ petitioners by way of registered post with acknowledgement and the same was received by the writ petitioners on 23.07.2025.'

5. The above means that directions issued in sub-paragraph Nos.(i) and (ii) of paragraph No.12 of order dated 27.01.2025 are complied with. Now, according to learned State Counsel, order dated 19.07.2025 bearing reference No.Na.Ka.J11/e-2790173/2024 made by R3 is against writ petitioners. This means that a communication to be sent to writ petitioners as set out in sub-



paragraph No.(iv) of paragraph No.12 of order dated 27.01.2025. Learned State

Counsel submits that such communication will be sent within one week from today i.e., on or before 11.08.2025.

We record the compliance and direct the Registry to not to list this matter any further. In all other aspects, the order dated 27.01.2025 will continue to operate.

(M.S.,J.) (T.V.K.,J.)

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