



WEB COPY

WP No. 8547 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 8547 of 2025

P.Samuel

Petitioner(s)

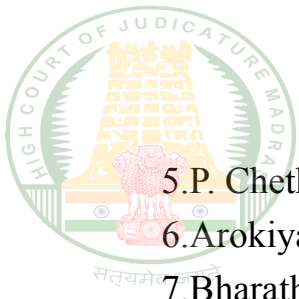
Vs

1. The Additional Chief Secretary
Department Of Revenue And Disaster
Management, Chief Secretariat,
Chennai 9

2.The District Collector
Collectorate, Thiruvallur,
Thiruvallur District.

3.The Commissioner
Avadi Municipal Corporation,
Avadi,
Thiruvallur District

4.The Revenue Tahsildar
Avadi Taluk,
Thiruvallur District



5.P. Chethan Sharma

6.Arokiyamari,

7.Bharath Sharma

8.A.Nagarajan

9.Karthik,

10.Venkatesan

11.Ragupathy

12.Aswhini Kumar Singh

13.M/s.Maneni Party Hall

Rep. By Its Proprietor,

Mittanamallee, Avadi,

Thriuvallur 600 055

Respondent(s)

WP No. 8547 of 2025

PRAYER

Directing the respondents Nos. 1 to 4 to implement the order dated 31.10.2023 made on the file of Tamil Nadu Local Bodies Ombudsman, Chennai 600 032 via order No.291/Ma/2023 and consequentially remove the unauthorized constructions in the water bodies comprised in S.F.No.266 (T.S.No.8/1) S.F.No.280/4 (T.S.No.5/2) and Vandi Pattai in S.F.No.265 (T.S.No.5/3) and S.F.No.262 in Mittanamallee Village, Avadi Taluk, Thiruvallur District and restore the water bodies to its original position.

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For Petitioner(s): M.Guruprasad

For Respondent(s): Mr.E.Veda Bagath Singh Spl.GP

For R1, 2 and 4

Mr.R.A.Gopinath SC For R3

Mr.M.G.Ramachandiran

For R5, 7 and 13

No Appearance For R6, 8, 11
and 12



Not Ready Notice R9 and 10

ORDER

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

The writ of mandamus has been instituted to direct the respondents 1 to 4 to implement the order dated 31.10.2023 made on the file of Tamil Nadu Local Bodies Ombudsman, Chennai 600 032 via order No.291/Ma/2023 and consequentially remove the unauthorized constructions in the water bodies comprised in S.F.No.266 (T.S.No.8/1) S.F.No.280/4 (T.S.No.5/2) and Vandi Pattai in S.F.No.265 (T.S.No.5/3) and S.F. No.262 in Mittanamallee Village, Avadi Taluk, Thiruvallur District and restore the water bodies to its original position.

2. With reference to the complaint made by the petitioner, this court directed the Revenue Authorities to find out the correctness of the allegations. The Tahsildar, Avadi, filed a status report which would reveal that the subject property is a water body and encroachments are identified.



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3. The relevant paragraphs are extracted hereunder:

“4. I respectfully submit that the above land is recorded in the TSLR records as Kuttai, Vaikkal and Vandipatti in Ward-A,Block-35, Town survey No.5/2, 5/3, 7/2 and 8/1 in the Avadi Taluk.

<i>T/S No.</i>	<i>Ols S/No</i>	<i>Classification</i>	<i>Extent</i>	<i>Owner Name</i>
5/2	286/4	Government Poramboke	0.35.50	Kuttai
5/2	265	Government Poramboke	0.19.00	Vandia pattai
7/2	262/2A pt	Government Poramboke	0.02.45	Vaikkal
8/1	266	Government Poramboke	1.29.00	Vannar Kuttai

5. I respectfully submit that an extent of 89 Sq.mt. has been encroached by way of house, an extent of 36 Sq.mt. constructing basement and an extent of 74 Sq.mt. a ration shop constructed by the Avadi Corporation on the land classified as a Vandipattai in the above Old Survey number 265, T/s no-5/3 in Mittanamalli village. Further, an extent of 34 Sq.mt. has been encroached by way of house in the Old Survey Number 286/4 and T/s No- 5/2 which is classified as Kuttai. It has been revealed from the



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survey of the above S.No.266, T.S.No. 8/1, a small bit of land currently occupied as a public road as per the sketch.

6. I respectfully submit that the above encroachment field, initially Form 7 was issued for the encroached houses by the Revenue Inspector on 21.08.2024. After that, since the above encroachments are classified as Vandipattai, Kulam, and Kuttai, they respectively come under the control of Avadi Corporation, the details of the encroachment have been informed to the Avadi Corporation Commissioner through a letter No-Na.ka.No-TAHAVD/ 1311/2023/B1 dated 10.01.2025.”

4. In view of the status report filed by the Tahsildar, Avadi Taluk, the respondents 1 to 4 are directed to evict the encroacher from the water body and restore it for public usage, in accordance with the judgments of the Hon'ble Supreme Court and the High Court.

5. The encroachments are directed to be removed by following the procedures as contemplated under the relevant statutes. 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.

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6. At this juncture, the learned counsel for the petitioner would submit that the extent of the water body has been reduced by manipulating certain revenue records. Therefore, the authorities are directed to verify the original revenue records, including old survey records, to ascertain the correctness of the extent of the water body and initiate all appropriate actions.

7. With the above directions, the Writ Petition stands disposed of. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

22-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Additional Chief Secretary
Department Of Revenue And Disaster
Management, Chief Secretariat,
Chennai 9

2.The District Collector
Collectorate, Thiruvallur, Thiruvallur
District

3.The Commissioner
Avadi Municipal Corporation, Avadi,
Thiruvallur District

4.The Revenue Tahsildar
Avadi Taluk, Thiruvallur District

5.P. Chethan Sharma
S/o Poonam Chand, Door No 205 N.M.
Road, Avadi Chennai 54

6.Arokiyamari,
W/o Boss, No 280, Bharath Avnu, No
3 Crpf Nagar, Mittanamallae, Avadi,
Iaf Avadi, Thiruvallur 600 055

7.Bharath Sharma
S/o Poonam Sharma, Partner In One
World Land Oldints, No 205, Nm
Road Avadi Taluk, Chennai 54

8.A. Nagarajan



Care Of Annamalai, No 30, Barath
Avenue, No 3 Crpf Nagar,
Mittanamallee, Avai, Tiruvallur 600
055

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9.Karthik,
Residing At S. No 263, Bharath
Avenue, Mittanamallee, Avadi,
Thiruvallur 600 055

10.VENKATESAN
Residing At S. No 263, Bharath
Avenue, Mittanamallee, Avadi,
Thiruvallur 600 055

11.RAGUPATHY
Residing At S. No 263, Bharath
Avenue, Mittanamallee, Avadi,
Thiruvallur 600 055

12.Aswhini Kumar Singh
Care O Fmangal Singh, Flat No
29/280, Bharath Avenue Mittanamallee
Avadi Thiruvallur 55

13.M/s Maneni Party Hall
Rep. By Its Propertator Mittanamallee,
Avadi, Thriuvallur 600 055



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