



WEB COPY



W.P.No.9432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

WP No.9432 of 2025
and WMP No.10598 of 2025

C.Sadhasivam
S/o.Chinnapaiyan, 3/38,
Mandhaiveli, Amman Kovil Street,
Mettupalayam, Echoor,
Kanchipuram, Tamilnadu-631 604.

Petitioner(s)

Vs

1. The Principal Secretary to Government
Public Works Department,
Government Secretariat,
Fort St.George, Chennai-600 009.
2. The Additional Chief Secretary to Government
Revenue and Disaster Management Department,
Government Secretariat, Fort St.George,
Chennai-600009.
3. The Tamilnadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai-600 032.



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4. The District Collector
District Collector Office,
Kanchipuram District, Kanchipuram.
5. The Tahsildar
Mettupalayam Village,
Kanchipuram District.
6. The Special Officer/Village Panchayat President
Mettupalayam Village Panchayat
(224243 LGD Code), Sriperumbudur Block Panchayat,
Kanchipuram District
7. Vallam Logistics Park Private Ltd,
Unit No.7 and 8, First Floor, Pinnacle Building,
Tharamani, Velachery, Chennai
Rep by its Authorised Signatory.
8. Aarush Logistics Park Private Ltd
International Tech Park,
No.7 and 8, 1st Floor, Pinnacle Building,
CSIR Road, Tharamani,
Chennai, Tamilnadu-600 113
Rep by its Authorised Signatory.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 6 to immediately remove all encroachments on the access roads leading to the pond in Survey No.252, restore the petitioner's traditional and easement rights over the pond and take necessary legal measures to prevent further encroachment, including staying the building approvals granted to the seventh and eighth respondents and conducting a thorough review to protect public access to water bodies and take



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appropriate legal action against the seventh and eighth respondents under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, for violating the rights of Scheduled Caste villagers.

For Petitioner(s): Mr.Avinash Wadhwani

For Respondent(s): Mr.A.Edwin Prabakar
State Government Pleader
Assisted by Mr.K.Karthik Jagannath
Government Advocate
for R1, R2, R4, R5

Mr.C.Manishankar, Senior Counsel
for M/s.S.Arjun Suresh,
Apoorva Vijayakumar
for M/s.Dua Associates
for R7 and R8

Mr.V.Gunasekar
Standing Counsel
for R3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition has been directed to be treated as a public interest litigation, though initially the writ petition was filed seeking a declaration of the land allegedly encroached upon by the private respondents, as access to a pond by way of enjoyment of an easementary right.



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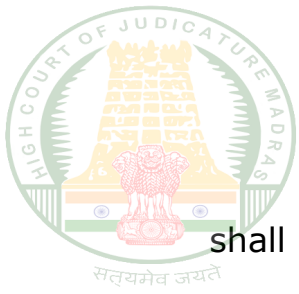
2. The reply filed by the private respondents shows that they claim to be in possession of the land as purchasers from predecessor-in-title holding patta.

There is nothing on record to show that the patta was ever challenged.

3. The reply filed by the State also shows that, upon survey made, it was found that the private respondents have not encroached upon any public land.

4. The petitioner's claim that the land, which is being actually used by the private respondents, is beyond the extent of patta land and violates petitioner's easementary right of enjoying access to the pond is essentially a matter to be gone into by a civil court, because seriously disputed questions of fact are involved.

The writ petition is misconceived and, therefore, dismissed with liberty to workout remedy in the manner known to law. There



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shall be no order as to costs. Consequently, interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(SUNDER MOHAN,J)

28.08.2025

Index : Yes/No

Neutral Citation : Yes/No

sasi

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