



W.P.No.13780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

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CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

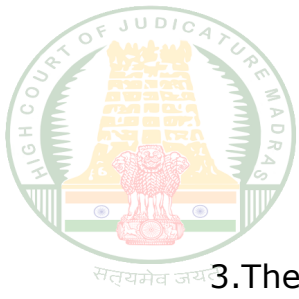
W.P.No.13780 of 2025
and
W.M.P. Nos.15483 and 15484 of 2025
in W.P. No.13780 of 2025

- 1.Suresh Kumar
- 2.Gandhimathi
- 3.Nachimuthu
- 4.Prakash
- 5.Kumarasamy
- 6.Paramasivam
- 7.Selvan
- 8.Mariyappan
- 9.Rasu
- 10.Arumugam
- 11.Murugan
- 12.Ramasamy
- 13.Perumal
- 14.Sri Rangan
- 15.Krishnan
- 16.Lingappan

... Petitioners

VS.

- 1.The District Collector,
Collectorate, Erode District.
- 2.The Tahsildar,
Anthiyur Taluk, Anthiyur,
Erode District.



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3.The Executive Engineer (PWD),
Water Resources Department,
Bhavani, Erode District.

4.Easwaramurthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings O.Mu.4084/2025/A1 dated 04.03.2025 in respect of encroachment issued by the first respondent and quash the same and consequently to direct the first respondent to conduct an enquiry on the representation dated 17.03.2025 given by the petitioners to the first respondent against the fourth respondent and to take appropriate action.

For Petitioners : Mr.P.Vijendran

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3
Mr.C.Munusamy for R4



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ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Mr.P.Vijendran, learned counsel on record for 16 writ petitioners, Mr.T.K.Saravanan, learned Additional Government Pleader for official respondents/R1 to R3 and Mr.C.Munusamy, learned counsel on record for private respondent/R4 are before us, with the consent of all the learned counsel, captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] was taken up and heard out.

2. This order will now dispose of captioned main WP and the captioned 'Writ Miscellaneous Petitions' (hereinafter 'WMPs' for the sake of brevity) thereat.

3. This order has to be read in conjunction with and in continuation of earlier proceedings made by this Court on 17.04.2025 which reads as follows:



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W.P.No.13780 of 2025

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN
THILAKAVADI

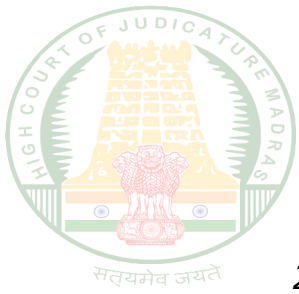
W.P. No.13780 of 2025 and W.M.P. Nos.15483
and 15484 of 2025

1. Suresh Kumar
2. Gandhimathi
3. Nachimuthu
4. Prakash
5. Kumarasamy
6. Paramasivam
7. Selvan
8. Mariyappan
9. Rasu
10. Arumugam
11. Murugan
12. Ramasamy
13. Perumal
14. Sri Rangan
15. Krishnan
16. Lingappan

Petitioners

vs.

1. The District Collector
Collectorate
Erode District



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2. *The Tahsildar
Anthiyur Taluk
Anthiyur
Erode District*
3. *The Executive Engineer (PWD)
Water Resources Department
Bhavani
Erode District*
4. *Easwaramurthi* *Respondents*

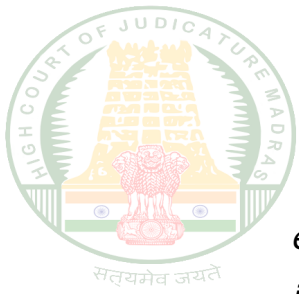
For petitioners *Mr. P. Vijendran*
For respondents *Mr. V. Ravi*
Special Government Pleader

ORDER

[made by M. SUNDAR, J.]

The genesis of the captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) is a writ petition in W.P. No.1926 of 2025 filed by one Easwaramurthy, with a prayer for removal of alleged encroachments in a canal which flows from Murali lake through various survey numbers in Chennampatti Village, Anthiyur Taluk, Erode District.

2. *Mr. P. Vijendran, learned counsel for writ petitioners, submits that this W.P.No.1926 of 2025 came to be disposed of by this Court vide order dated 27.01.2025 inter alia recording the stated position of the learned State counsel that survey would be conducted and if*



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encroachments are found qua said canal, action would be initiated under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007) {hereinafter 'Tanks Act' for the sake of brevity} and holding that if encroachments are found and if action for removal of encroachments is initiated, **T.K.Shanmugam** principle being law laid down by a Hon'ble Full Bench of this Court in **T.K. Shanmugam's** case [**T.K. Shanmugam vs. State of Tamil Nadu**] reported in **2015 (5) LW 397**, vide sub sub-paragraphs (i) to (iii) of sub-paragraph (f) of paragraph 15, should be followed.

3. Mr. P. Vijendran, learned counsel for writ petitioners, points out that there are three private respondents in W.P.No.1926 of 2025, viz., Palanisamy (R4), Sembanan (R5) and Ramesh (R6) and they are not writ petitioners in the captioned main WP. Learned counsel submits that R1 (District Collector) has sent a communication to R3 (Executive Engineer, PWD, Water Resources Department) being communication dated 18.02.2025 (signed on 04.03.2025) bearing reference O.M.4084/2025/A1, advertng to W.P.No.1926 of 2025 and calling upon R3 to act. Thereafter, on 17.03.2025, 16 writ petitioners, along with several others, including 3 private respondents in W.P.No.1926 of 2025, have sent a representation, is learned counsel's further say. Advertng to this representation, learned counsel submits that **T.K.Shanmugam** principle is yet to be followed.



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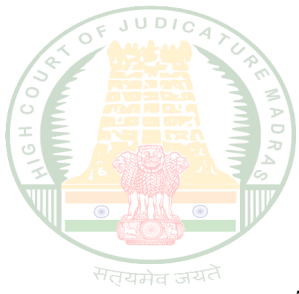
4. Issue notice to respondents.

5. Mr. V. Ravi, learned Special Government Pleader, accepts notice for official respondents (RR 1 to 3) and submits, on instructions, that survey has already been conducted and notices as per **T.K.Shanmugam** principle will be issued and issue of notices is in the anvil.

6. If notices are issued as per **T.K. Shanmugam** principle, obviously, the same have to be issued along with Form – III of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 (hereinafter 'Tanks Rules' for the sake of brevity) and on receipt of the same, the writ petitioners/alleged encroachers can give their objections inter alia relating to classification and nature of encroachments within two weeks. Thereafter, the authorities should consider the objections and pass appropriate orders.

7. To be noted, as already alluded to supra, **T.K.Shanmugam** principle has been laid down by a Hon'ble Full Bench and this Division Bench respectfully follows the same.

8. In the light of view articulated supra, there cannot be any coercive action without following **T.K. Shanmugam** principle and coercive action, if any, can be only subject to and depending on the orders to be made after putting writ petitioners on notice giving them an opportunity and considering their objections.



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9. *Therefore, there shall be an order of status quo as of today as regards alleged encroachments in canal which flows from Murali lake through various survey numbers in Chennampatti Village, Anthiyur Taluk, Erode District.*

10. *To be noted, R4 (private respondent) is the writ petitioner in the previous writ petition, viz., W.P.No.1926 of 2025 and he has to be served and therefore, this interim order of status quo is being granted.*

11. *As regards R4, private notice returnable by 05.06.2025 is permitted.*

12. *Aforereferred order of status quo shall continue till 05.06.2025 but we make it clear that proceedings under the Tanks Act and Tanks Rules as per **T.K. Shanmugam** principle shall be commenced and continued.*

List on 05.06.2025.'

4. The aforereferred 17.04.2025 proceedings shall now be read as an integral part and parcel of this order. This also means that the short forms, abbreviations and short references used in the earlier proceedings/orders shall continue to be used in the instant order also.

5. As regards private respondents/R4 to R6 in earlier writ petition in W.P.No.1926 of 2025, they had filed a review application in



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Review Application No.120 of 2025. The same has been disposed of as withdrawn/closed today vide a separate order.

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6. Reverting to the case at hand, we shall be referring to the 'communication from R1 (District Collector, Erode) to R3 (Executive Engineer (PWD), Water Resources Department, Bhavani, Erode District) being communication dated 18.02.2025 (signed on 04.03.2025) bearing reference O.Mu.4084/2025/A1' as 'impugned communication' for the sake of convenience and clarity. Post impugned communication, a 'representation dated 17.03.2025' which is a generic representation which describes the addressor as 'ஊர்ப்பொதுமக்கள்' seeking survey has been sent (hereinafter 'said representation' for the sake of convenience and clarity).

7. Today, learned State counsel on instructions submits that survey was infact conducted on 25.04.2025 by R3 but only private respondent/R4 (Mr.Easwaramurthi, S/o.Mr.Kuppusamy Gounder) was informed orally through the Village Administrative Officer. In other words, the writ petitioners were neither informed nor put on notice. Thereafter, notices in accordance with **T.K. Shanmugam** principle



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were issued to seven out of sixteen writ petitioners (Mr.Sureshkumar, S/o.Mr.Periyasamy (Writ Petitioner No.1-two notices in respect of two different extents of land), Mr.Mariyappan, S/o.Mr.Ramasamy (Writ Petitioner No.8), Mr.Rasu, S/o.Mr.Chinnamanga Gounder (Writ Petitioner No.9), Mr.Krishnan, S/o.Mr.Chinnamanga Gounder (Writ Petitioner No.15), Mr.Perumal, S/o.Mr.Ramasamy (Writ Petitioner No.13), Mr.Sri Rangan, S/o.Mr.Ramasamy (Writ Petitioner No.14), Mr.Lingappan, S/o.Mr.Pazhanimoopan (Writ Petitioner No.16) and twelve others (Mr.Murugesan, s/o.Mr.Palanisamy, Mr.Murugan, S/o.Mr.Sengoda Gounder, Mr.Cheenana, S/o.Mr.Perumal, Mr.Ammasai, S/o.Mr.Perumal, Mr.Raja, S/o.Mr.Gurusamy, Mr.Ranjith, S/o.Mr.Gurusamy, Ms.Kanaga, D/o.Mr.Viswanathan, Mr.Kuppusamy, S/o.Mr.Elayappan, Mr.Ramasamy, S/o.Mr.Elayappan, Mr.Murugan, S/o.Mr.Sengoda Gounder, Ms.Kavitha, D/o.Mr.Murugan, Mr.Selvan, S/o.Mr.Chinnamanga Gounder) (twenty in all). The notices are identical and a scanned reproduction of the notice issued to the Writ Petitioner No.1 is as follows:



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2007 ஆம் ஆண்டு தமிழ்நாடு ஏரிகளைப்பாதுகாத்தல் மற்றும் ஆக்கிரமிப்பை அகற்றுதல் சட்டத்திற்கான
(தமிழ்நாடு சட்டம் 8/2007) விதிகள்

படிவம் - III

[விதி 6(1) ஐ காண்க]

(Show Cause Notice)

வருவாய் வட்டாட்சியர், அந்தியூர் அவர்களின் கடித எண் ந.க.எண் 449/2025/அ1/ நாள் 14.05.2025 இன்படி வழங்கப்பட்ட படிவம்-I இன்படி ஈரோடு மாவட்டத்தின் அந்தியூர் வட்டத்தின் சென்னம்பட்டி கிராமம், முரளி ஏரிவாய்க்காலின் நில அளவை புல எண். 407/1A மற்றும் நில அளவை புல எண். 407/1C இல் 0-74-88 ஹெக்டேர் பரப்பளவில், நீர்வளத்துறைக்கு உரியதான வாய்க்காலின் ஒருபகுதியை சுரேஷ் குமார் த/வ. கபாபசாமி ஆகிய தாங்கள் ஆக்கிரமித்து தங்கள் ஆக்கிரமிப்பில் உள்ளது என உதவிப்பொறியாளர், நீர்வளத்துறை, பாசனப்பிரிவு, அம்மாபேட்டை அலுவலர் ஆகிய நான் கருதுகிறேன்.

எனவே, இக்கடிதம் கிடைக்கப்பெற்ற 15 நாட்களுக்குள் தங்களின் ஆக்கிரமிப்பினை ஏன் அகற்றக்கூடாது என்பதற்கான விளக்கத்தினையும் தாங்கள் ஆக்கிரமித்து வைத்துள்ள இடம் தங்களுக்கு சொந்தமானது என்பதற்கான ஆதாரத்தையும், கீழே கையொப்பமிட்டுள்ள அலுவலரிடம் நேரில் சமர்ப்பிக்கும்படி கேட்டுக்கொள்ளப்படுகிறது.

மேற்படிதங்களது பதில் திருப்தியளிக்காவிட்டாலோ அல்லது தங்களின் பதிலறிக்கை கிடைக்கப்பெறாவிட்டாலோ மேற்சொன்ன கால அவகாசத்திற்கு பிறகு ஒருவார காலத்திற்குள் தங்களின் ஆக்கிரமிப்பு அரசு விதிகளின் படி அகற்றப்படும் என தெரிவித்துக்கொள்ளப்படுகிறது.

இடம் : அம்மாபேட்டை
நாள் : 08/07/2025

பெறுநர் : சுரேஷ் குமார்,
கபாபசாமி

பெறுநர் : சுரேஷ் குமார்,
கபாபசாமி

8/07/25



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8. Now it is necessary that **T.K. Shanmugam** principle is followed and the matter is carried to its logical end i.e., one way or the other.

9. In the light of the narrative thus far, the following order is made:

9.1 There shall be a survey of lands which are subject matter of aforesaid 20 notices all dated 08.07.2025 after putting on notice all the noticees as well as R4/private respondent;

9.2 All the noticees as well as private respondent/R4 can be present at the time of survey;

9.3 A survey report shall be drawn up by R2;

9.4 A copy of the survey report shall be furnished to all the noticees as well as private respondent/R4;



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9.5 The *aforereferred* exercise shall be completed within a fortnight from today i.e, on or before 08.08.2025;

9.6 Thereafter, within two weeks from 08.08.2025, i.e., on or before 22.08.2025, noticees shall respond to the 08.07.2025 notices;

9.7 Considering the responses (if any), State shall carry the matter to its logical end one way or the other following **T.K. Shanmugam** principle and it shall be done as expeditiously as the business of official respondents would permit but in any event within fourteen weeks from today i.e., on or before 31.10.2025;

9.8 To be noted, **T.K. Shanmugam** principle holds the field as regards proceedings under Tanks Act and Tanks Rules. Nonetheless as survey has been conducted by putting only one party on notice, we



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have directed a survey after putting both sides on notice. Therefore, this aspect of the order will not serve as a precedent in all and every case under Tanks Act and Tanks Rules.

10. Captioned WP is disposed of in the aforesaid manner. Consequently, captioned WMPs are disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
25.07.2025

Index : Yes
Neutral Citation: Yes
mmi

P.S.: Though the captioned WP is disposed of, list it under the cause list caption 'FOR REPORT' on 14.11.2025.

To

- 1.The District Collector,
Collectorate, Erode District.
- 2.The Tahsildar,
Anthiyur Taluk, Anthiyur,
Erode District.
- 3.The Executive Engineer (PWD),
Water Resources Department,
Bhavani, Erode District.

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W.P.No.13780 of 2025

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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