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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.05.2025

PRONOUNCED ON : .07.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.1519 of 2018

and

WMP Nos.1928 & 1929 of 2018

1.V.Hamza

2.K.Fatima

3.S.Anandan

4.K.Elumalai

5.T.Daniel

6.D.Aruldas

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.Executive Engineer,
Public Works Department,
Aaraniyaru Vadinila Kottam,
Chennai – 600 005.

3.The Assistant Executive Engineer,
Cooum Division, Chepauk,
Chennai – 600 005.

... Respondents

PRAYER: Writ Petition 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 notice dated 22.12.2017 issued by the second respondent and quash the same and further direct the respondents to provide for alternative accommodation.

For Petitioner : Mr.M.G.B.Jeyakumar

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Habib Rahman,
Government Advocate - for R1 & R3

Mr.L.S.M.Hasan Fizal,
Additional Government Pleader for R2

ORDER

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The petitioners herein challenge the notices issued by the Water Resources Department calling upon the petitioners to hand over possession of the premises in question. The only legal ground raised by the petitioners is that notices under Section 7 of the Tamil Nadu Land Encroachment Act have not been given. The petitioners herein were originally granted permission to occupy the petition mentioned land for livelihood purposes. The petitioners have now been informed that the said land is required for implementing the Integrated Cooum River Eco Restoration Project. The petitioners do not deny that what was permitted to be occupied by them was a part of river bed.

3.We are of the view that the authorities erred in granting such permission even in the first instance. A water body has to be maintained in its



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pristine condition always. Once a water body is allowed to be used for extraneous purposes, the water body would slowly lose its character. The Hon'ble Supreme Court as well as this Court have repeatedly cautioned against parting with water bodies. The petitioners have no right. It is relevant to note that the consequential prayer made by the petitioners is for providing alternative accommodation to set up their businesses. The Government of Tamil Nadu has taken a policy decision to rehabilitate all the persons who have encroached Cooum river. However, the same indulgence cannot be extended to the petitioners herein as they want alternative commercial places. Alternative accommodation can be given only for residential purposes for slum dwellers. The petitioners herein are running petty shops and doing businesses in the petition mentioned land. They therefore cannot demand alternative accommodation as a matter of right. We direct the respondents to evict the petitioners from the petition mentioned land forthwith and without any delay. There is no merit in the writ petition.

4.This writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

(G.R.S.,J) & (V.L.N,J)
.07.2025

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
SKM



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- 1.The Secretary, Revenue Department,
Fort St.George, Chennai – 600 009.
- 2.Executive Engineer, Public Works Department,
Aaraniyaru Vadinila Kottam, Chennai – 600 005.
- 3.The Assistant Executive Engineer,
Cooum Division, Chepauk, Chennai – 600 005.



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G.R.SWAMINATHAN, J.
AND
V.LAKSHMINARAYANAN, J.

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