



W.P.No.18097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.18097 of 2025

K.Geetha Subramaniam

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Chief Secretary
cum Chairperson
State Steering Committee
Fort St.George, Secretariat
Chennai – 600 009
2. The Revenue and Disaster Management Department
Rep. By its Secretary to the Government
Fort St. George, Secretariat
Chennai – 600 009
3. The Commissioner
Greater Chennai Corporation
No.1131, Rippon Building
EVR Periyar Salai, Park Town
Chennai – 600 003
4. The District Collector

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Chennai District
Chairperson
District Monitoring Committee
Chennai District Collectorate
Singaravelar Maligai, Rajaji Salai
Chennai - 600 001

5. The Chief Executive Officer
Water Resources Department
Chepauk Railway Street, PWD Estate
Chepauk, Triplicane, Chennai - 600 005
6. The Revenue Divisional Officer cum Chairperson/Conveyor
Divisional Monitoring Committee
5/73, SH 112, Gandhi Nagar
Anna Nagar West Extn. Chennai - 600 040
7. The Tahsildar, Ayanavaram Taluk
18/31, Palliarasan Street
Kumaran Nagar, Kilpauk
Chennai - 600 010
8. District Revenue Officer
Zone-8, Greater Chennai Corporation
368, Pulla Avenue, Shenoy Nagar
Chennai - 600 030
9. The Inspector of Police
V-4 Police Station, Rajamangalam
2nd Main Road, Thillai Nagar, Kolathur
Chennai - 600 099
10. C.S.I St. Stephen Church
Rep. by his Revered Father
No.234, Baba Nagar 1st Street
Villivakkam, Chennai - 600 049

... Respondents



W.P.No.18097 of 2025

WEB COPY Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1, 4 and 6 who are the respective Chairperson of the State level, District Level and Divisional Level Committee under G.O.(Ms.) No.64 dated 08.02.2022 issued by the Revenue and Disaster Management Department to remove the encroachment of the Water Body by the 10th Respondent over the land comprised in T.S.Nos.38 & 39 (Old Survey Nos.198/2B & 201/1 respectively) in Block No.3, Konnur Village, Ayanavaram Taluk, Chennai District, measuring 16,387.5 sq.ft and 16,877 sq.ft respectively totally measuring 33, 264.5 sq.ft.

For Petitioner : Mr.C.S.Kiran

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1, R2, R4 and R5 to R8

Mr.S.Santhosh
Government Advocate (Crl.side)
for R3 and R9

ORDER

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

This order has to be read in conjunction with and in continuation of earlier proceedings made in previous listing on 03.06.2025 which reads as follows:

'W.P.No.18097 of 2025



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W.P.No.18097 of 2025

M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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

Captioned writ petition has been filed with a prayer qua removal of alleged encroachment.

2. *Inaction on the part of the official respondents has necessitated the captioned writ petition is the say of learned counsel for the petitioner.*

3. *Issue notice to official respondents.*

4. *Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1,2,4,5,6 and 7 and requests for a short accommodation to get instructions and revert to this Court.*

5. *Request acceded to.*

6. *List in the Admission Board i.e., Motion List under the cause list caption 'NOTICE REGARDING ADMISSION' on 05.06.2025.'*

2. Today, Mr.C.S.Kiran, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1, R2, R4 and R5 to R8 and Mr.S.Santhosh, learned Government Advocate (Crl.side) for R3 and R9 are before us. Mr.Arun Kumar, Sub-Inspector of Police, V4 Rajamangalam Police Station, Kolathur, Ms.S.Vanitha, Tahsildar, Ayanavaram and Ms.R.Rajeswari, Zonal Deputy Tahsildar, Ayanavaram are present before this Court.



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3. It is brought to our notice that the writ petitioner before us had approached this Court earlier by way of W.P.No.34280 of 2023 (along with W.M.P.No.34172 of 2023 thereat) and the same came to be disposed of by another Hon'ble Division Bench in and by an order dated 12.12.2023, which reads as follows:



W.P.No.34280 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34280 of 2023

K.Geetha

.. Petitioner

Vs.

1. The District Collector
Chennai District Collectorate
Singaravelar Maligai, Rajaji Salai
Chennai - 600 001.

2. The Tahsildar
Ayanavaram Taluk
Ayanavaram, Chennai - 600 023.

3. C.S.I. St. Stephen Church
Rep. by its Reverence Father
No.234, Baba Nagar 2nd Street
Villivakkam, Chennai - 600 049.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 and 2 to remove the encroachments of the third respondent at Kuttai Kulam Poramboke over the Old Survey No.198/2B & 201/1, New Survey

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W.P.No. 34280 of 2023

No.38 and 39 of Konnur Village, Ayanavaram Taluk, Villivakkam, Chennai - 600 049 so enable the Rain Water freely moves to the Kolathur Lake as per the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and allow the people of Baba Nagar, Villivakkam to live peaceful life during rainy season based on the representation dated 17.07.2023.

For the Petitioner : Mr.A.Prakash

For the Respondents : Mr.R.Anitha
Special Government Pleader
for R1 & R2

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.A.Prakash, learned counsel for the petitioner and Mr.R.Anitha, learned Special Government Pleader for respondents 1 and 2.

2. Learned counsel for the petitioner submits that the third respondent has encroached upon S.Nos.38 and 39 of Konnur Village, Ayanavaram Taluk, Villivakkam, Chennai - 600 049, which is a waterbody. Representation is given to the authority concerned.

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W.P.No.34280 of 2023

WEB COPY 3. The petitioner is at liberty to approach the committee/authority, as constituted under G.O.(Ms)No.64 dated 08.02.2022, for redressal of her grievance. If such application is made by the petitioner, then the said authority/committee shall deal with the said application in accordance with law.

4. The writ petition, accordingly, stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.34172 of 2023 is closed.

(S.V.G., Cl.) (D.B.C., 1.)
12.12.2023

Index : Yes/No
Neutral Citation : Yes/No

drm

To

1. The District Collector
Chennai District Collectorate
Singaravelar Maligai, Rajaji Salai
Chennai - 600 001.
2. The Tahsildar
Ayanavaram Taluk
Ayanavaram, Chennai - 600 023.

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W.P.No. 34280 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY J.

(drm)

W.P.No. 34280 of 2023

12.12.2023

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WEB COPY 4. Pursuant to the aforementioned judicial order, the writ petitioner approached the monitoring committee on 30.01.2024 and triggered the proceedings.

5. Learned State counsel submits that R6 (The Revenue Divisional Officer cum Chairperson/Convenor, Divisional Monitoring Committee, 5/73, SH112, Gandhi Nagar, Anna Nagar West Extn. Chennai) convened a meeting on 25.04.2024 but R10 was not put on notice. To be noted, R10 is the alleged encroacher.

6. Post 25.04.2024 meeting which appears to have happened *inter se* the officials, a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience] being notice dated 07.08.2024 was issued to R10, according to learned State counsel, R10 did not respond and R7 made an order dated 03.09.2024 under Section 6 of said 1905 Act. It is submitted that Section 6 order made by R7 has been affixed in the premises of R10.



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7. After hearing learned counsel for writ petitioner and learned State counsel, this Court finds that the legal perimeter within which the matter should perambulate is very limited and therefore, with the consent of learned counsel on both sides, main writ petition is taken up dispensing with notice to R10. We dispense with notice to R10 as this order will not in any manner touch upon the rights of R10. On the contrary, this order will preserve all the rights and contentions of R10 in the proceedings vide 'G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022' {hereinafter 'said G.O' for the sake of brevity and convenience}, which shall now continue.

8. Said G.O provides for an alleged encroacher being given an opportunity and the version of the alleged encroacher being examined before a conclusion is arrived at. The same has not been done in the instant case as would be evident from the narrative supra. To be noted, R10 has not even been put on notice.

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

i) 07.08.2024 notice under Section 7 of said 1905 Act



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and order under Section 6 of said 1905 Act made by R7 stand effaced as monitoring committee proceedings had neither put R10 (alleged encroacher) on notice nor come to a conclusion after hearing R10;

ii) Monitoring committee shall now continue the proceedings which were kicked started by the writ petitioner on 30.01.2024 by reconvening a meeting putting all concerned on notice, more particularly writ petitioner and R10 and thereafter make an order on merits and in accordance with law.

iii) The above exercise shall be concluded by R6 (Divisional Monitoring Committee) as expeditiously as the official business of R6 would permit but in any event within 14 weeks from today i.e., on or before 11.09.2025.

iv) Though obvious, we make it clear that coercive action qua alleged encroachment, if any and if that be so, will be subject to aforementioned proceedings and further proceedings in accordance with law with adherence to 'NJP' ('Natural Justice Principle').



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Captioned writ petition disposed of in the aforesaid manner. There

WEB COM shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
05.06.2025

Index : Yes / No

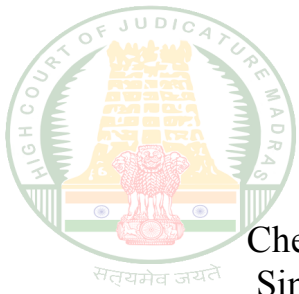
Neutral Citation : Yes / No

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To

1. The State of Tamil Nadu
Represented by its Chief Secretary
cum Chairperson
State Steering Committee
Fort St.George, Secretariat
Chennai – 600 009
2. The Revenue and Disaster Management Department
Rep. By its Secretary to Government
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4. The District Collector
Chennai District
Chairperson
District Monitoring Committee

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Chennai District Collectorate
Singaravelar Maligai, Rajaji Salai
Chennai - 600 001

5. The Chief Executive Officer
Water Resources Department
Chepauk Railway Street, PWD Estate
Chepauk, Triplicane, Chennai - 600 005
6. The Revenue Divisional Officer cum Chairperson/Conveyor
Divisional Monitoring Committee
5/73, SH 112, Gandhi Nagar
Anna Nagar West Extn. Chennai - 600 040
7. The Tahsildar, Ayanavaram Taluk
18/31, Palliarasan Street
Kumaran Nagar, Kilpauk
Chennai - 600 010
8. The District Revenue Officer
Zone-8, Greater Chennai Corporation
368, Pulla Avenue, Shenoy Nagar
Chennai - 600 030
9. The Inspector of Police
V-4 Police Station, Rajamangalam
2nd Main Road, Thillai Nagar, Kolathur
Chennai - 600 099



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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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