



WP No.17313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.17313 of 2025
and WMP No.19619 of 2025

L.Palani

.. Petitioner

-VS-

1. The District Collector,
Collectorate,
Tiruvannamalai District 606 604.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Arani, Tiruvannamalai District 632 301.
3. The Tahsildar,
Taluk Office,
Polur, Tiruvannamalai District 606 803.
4. The Assistant Engineer,
Middle Pennaiyar Basin Division,
Water Resources Department,
Polur, Tiruvannamalai District 606 803.
5. P.Murugan



WP No.17313 of 2025

WEB COPY

6. P.Pitchandi

7. P.Vijayakanth

8. The Block Development Officer,
Chetpet Panchayat Union,
Tiruvannamalai District.
(R-8 suo motu impleaded vide order
dated 10.10.2025 in WP)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent Nos.1 to 4 to restore the Water Channel in Survey Nos.227/1, 285/4, 272/2 and 274/2, Vilapakkam Village, Polur Taluk, Tiruvannamalai District as it was before within the stipulated period which may be fixed by this Court.

For Petitioner : Mr.N.Mariappan

For Respondents : Mr.T.K.Saravanan
Addl. Govt. Pleader
for RR 1 to 4 and 8

* * * * *



WP No.17313 of 2025

WEB COPY

ORDER

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

This petition has been filed for issuance of mandamus to restore the water channel in Survey Nos.227/1, 285/4, 272/2 and 274/2 in Vilapakkam Village, Polur Taluk, Tiruvannamalai District.

2. A status-affidavit has been filed by the respondent authorities, which shows that all encroachments have now been removed. Details of the encroachers and the extent of encroachment made and further proceedings and orders passed thereon are also placed on record. Learned State counsel would submit that apart from other encroachers, the petitioner himself was found to be an encroacher of at least 3 survey numbers.

3. Learned counsel appearing for the petitioner would submit that he was wrongly classified as encroacher. He submits that the eviction order was challenged before this Court successfully and on 27.12.2024, the order was set aside by this Court on the ground that the order has been passed without jurisdiction.



WP No.17313 of 2025

WEB COPY

4. We find that the order dated 27.12.2024 challenging the eviction proceedings of the petitioner was set aside on the ground that the Block Development Officer is not an authorised officer in terms of the provisions of the Act, though he is entitled to identify encroachments and send a report with regard to the same to the Tahsildar, who, in turn, can initiate appropriate proceedings.

4.1. It was directed that the file related to the petitioner herein shall be transferred to the Tahsildar, Polur Taluk, Tiruvannamalai District and thereafter, if the Tahsildar comes to the conclusion that there is an encroachment, he shall initiate proceedings under the Land Encroachment Act, 1905.

5. The status affidavit filed by the third respondent shows that in the proceedings drawn by the Tahsildar, the petitioner, Palani, S/o.Lakshmanan, was also found having encroached upon a parcel of land comprised in S.Nos.227/1, 285/4, 272/2 and 274/2. Para 7 of the affidavit shows that all these encroachments were removed, but, later on, when the petitioner made a complaint that the lake canal is



WP No.17313 of 2025

being used as pathway, on inspection, it was found that there was no encroachment.

6. In the writ petition filed before this Court, where the petitioner claimed to be a bonafide person invoking jurisdiction of this Court in *pro bono* capacity, even before the date on which the petition was filed, already proceedings were drawn, order of the High Court was passed and the matter was remitted to Tahsildar and the proceedings had remained pending.

7. Learned counsel for the petitioner submits that in fact, the allegations of encroachment made against him are factually incorrect and if he has taken remedy under the law against illegal action, it cannot be said that he is not a bonafide person. He would further submit in response to the averments made in para 9 of the status affidavit that upon inspection made, no encroachments have been found, it cannot be said that the petitioner had encroached upon the lake canal.

8. We are of the view that the petitioner is guilty of *suppressio*



WP No.17313 of 2025

veri and *suggestio falsi*. He misused and abused the august forum of this Court in the garb of PIL suppressing that he himself was the person facing encroachment proceedings after the remand order passed by this Court on 27.12.2024, which, during the pendency of the present petition, has culminated into eviction of number of encroachers, including the petitioner himself.

9. What has been stated in para 9 cannot be read in isolation, but has to be read along with the statement of facts made in paragraphs 7 and 8. A conjoint reading only reveals that the petitioner along with other encroachers was evicted, but on a complaint filed by the petitioner that the lake canal is being used as pathway, inspection was carried out and it was found that there is no encroachment in the said lake canal. This reflects the position after the eviction of the encroachers, including the petitioner.

10. Misuse and abuse of the proceedings of the Court is seriously condemned and the petition is not only liable to be dismissed, but exemplary costs has to be imposed on the petitioner.



WP No.17313 of 2025

WEB COPY

11. Accordingly, the petition is dismissed. Taking into consideration the submission of learned counsel for the petitioner that the petitioner possesses only 9 acres of agricultural land, we are inclined to impose costs of Rs.50,000/- (Rupees fifty thousand only) payable by the petitioner to the Tamil Nadu State Legal Services Authority, within a period of one month from the date of receipt of a copy of this order. Consequently, the interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
04.11.2025

Index : Yes/No
Neutral Citation : Yes/No

sra

To

1. The District Collector,
Collectorate,
Tiruvannamalai District 606 604.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Arani, Tiruvannamalai District 632 301.
3. The Tahsildar,
Taluk Office,



WP No.17313 of 2025

Polur, Tiruvannamalai District 606 803.

WEB COPY

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN, J.

(sra)

4. The Assistant Engineer,
Middle Pennaiyaru Basin Division,
Water Resources Department,
Polur, Tiruvannamalai District 606 803.
5. The Block Development Officer,
Chetpet Panchayat Union,
Tiruvannamalai District.

WP No.17313 of 2025

04.11.2025