



W.P.No.22288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR
AND
THE HONOURABLE Mr. JUSTICE T. VINOD KUMAR

W.P.No.22288 of 2024

T.Murugan

.. Petitioner

Vs.

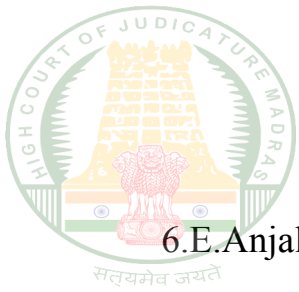
1.The District Collector
VOC Nagar, Chengalpet
Ammanambakkam
Chengalpet District 603 001

2.The Revenue Divisional Officer (RDO)
VOC Nagar, Chengalpet
Ammanambakkam
Chengalpet District 603 001

3.The Block Development Officer (BDO)
Lathoor Panchayat Union
Pavunchur-Cheyyur Taluk
Chengalpet District

4.The Tahsildar
Cheyyur Taluk
Chengalpet District

5.The Village Administrative Officer
Neelamangalam
Cheyyur Taluk
Chengalpet District



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6.E.Anjali

WEB 7.E.Pradeep Raj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of a writ of mandamus directing the official respondents 1 to 5 herein to remove the illegal encroachments made by the private respondents 6 & 7 herein, in Survey No.4/1, No.82, Pekkaranaï Village, Lathoor Sub-Taluk, Cheyyur Taluk, Chengalpet District, which is classified as water body in the revenue records.

For petitioner	: Ms.J.Deepika
For respondents 1 to 5	: Mr.T.K.Saravanan Additional Government Pleader

ORDER

(made by M.SUNDAR, J.)

Subject matter of captioned main ‘writ petition’ [‘WP’ for the sake of brevity] is alleged encroachments in ‘Survey No.4/1, No.82, Pekkaranaï Village, Lathoor Sub-Taluk, Cheyyur Taluk, Chengalpet District’ [hereinafter ‘said land’ for the sake of convenience and clarity].

2. Request for removal of aforereferred alleged encroachments has not yielded results and that has necessitated captioned WP is the submission of learned counsel for writ petitioner.



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WEB COPY 3. Ms.J.Deepika, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for respondents 1 to 5 are before us.

4. Learned State counsel for respondents 1 to 5 submits that survey of said land will be done after putting all concerned on notice and in their presence, and depending on the survey outcome, action for removal of encroachment (if found) will be initiated *vide* '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] or any other appropriate/applicable statute.

5. Though obvious, this Court, deems it appropriate to make it clear that *vide* Tanks Act necessarily means adherence to procedure put in place by a Hon'ble Full Bench of this Court *vide* **T.K.Shanmugam** case [**T.K.Shanmugam Vs. State of Tamil Nadu**] reported in **2015 (5) LW 397**. As regards **T.K. Shanmugam** principle, relevant paragraphs are sub-paragraphs (i) to (iii) of subparagraph (f) of paragraph 15 and the same read as follows:



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'15.Certain provisions of Tank Act namely, Sections 4 to 10 were challenged in a Writ Petition with a prayer to declare those provisions as null and void and contrary to Article 14 of the Constitution of India on the ground that those provisions confer upon the executive, unguided and uncanalised discretionary power, since they denied to the persons aggrieved an opportunity of being heard. The said Writ petition was heard by a Division Bench to which one of us (M.Sathyanarayanan,J.) was a party. The Division Bench took note of the various decisions including the decision in the case of Sivakasi Region Tax Payers Association (*supra*), disposed of the Writ Petitions without declaring the provisions of the Act as unconstitutional, since no opportunity is given and held that there is nothing in the Act which excludes the principles of natural justice, the Act (Tank Act) does not specifically indicate that the encroachers do not have right to be heard and issued the following directions *vide* judgment dated 10.02.2010, reported in 2010 3 MLJ 771.

(a)

(b)

(c)

(d)

(e)

(f) We uphold the Act, while we provide for observance of principles of natural justice within the Act itself, as under.

(i) When the officer of the Public Works Department publishes the notice in Form-II in the notice boards of the offices of Village Administrative Officer, Village Panchayat Office and the Water Resources Organization, notice shall also be issued to the alleged encroacher to the effect that the survey indicates that the place in his/her occupation is an encroachment and secondly, the notice in Form-III of the Rules may be issued.

(ii) On receipt of the said notice, the encroacher may give his/her objections relating to the classification of the land in his/her occupation and the nature of the encroachment within a period of two weeks.

(iii) Thereafter, the authorities shall consider the objections and pass appropriate orders, in accordance with the provisions of the Act, giving time to the encroachers to remove the encroachment.'

To be noted, ***T.K.Shanmugam*** reiterates ***T.S.Senthil Kumar*** principle [***T.S.***

Senthil Kumar Vs. Government of Tamil Nadu reported in (2010) 3 MLJ 771]

rendered by an Hon'ble Coordinate co-equal Division Bench.



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6. The above means that respondents 6 and 7 (private respondents) who are alleged encroachers and/or any other encroacher/s will be put on notice/show caused, given an opportunity and action will be subject to and depending on cause shown/response of noticee/s. Therefore, captioned WP is taken up with the consent of learned counsel for writ petitioner and learned State counsel, dispensing with notice to respondents 6 and 7 (private respondents). Though obvious, it is made clear that this order does not touch upon the rights of respondents 6 and 7 and/or any other noticee/s under the Tanks Act or any other appropriate/applicable statute. This means that all the rights and contentions of respondents 6 and 7 and/or any other noticee/s stand preserved for responding suitably when show caused/visited with notices. Though obvious, for the sake of specificity, it is clarified that this Court, in instant order, has not expressed any view or opinion one way or the other regarding alleged encroachments *qua* said land.

7. In the light of the narrative thus far, captioned WP is disposed of in the aforesaid manner, recording the stated position of learned State counsel of respondents 1 to 5 that survey of said land will be done after putting all concerned on notice and in their presence within a period of eight weeks from



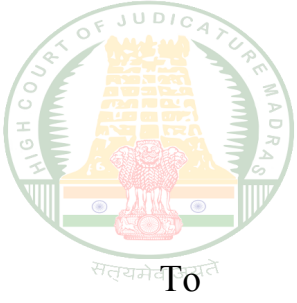
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today, *i.e.*, on or before 03.10.2025 and action if any, under the Tanks Act, will

be commenced as expeditiously as the business of official respondents would permit but in any event within a period of eight weeks therefrom *i.e.*, on or before 29.11.2025. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
07.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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