



W.P.No.25810 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.25810 of 2021

AND

W.M.P.Nos.27278 & 27280 of 2021

K.Velayutham

.. Petitioner

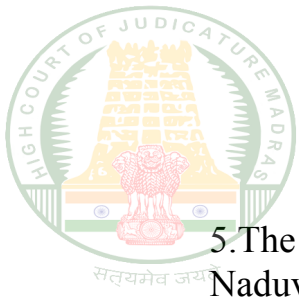
Vs.

1.The District Collector
District Collectorate
Manjakuppam
Cuddalore 607 001

2.The Revenue Divisional Officer
District Collectorate
Manjakuppam
Cuddalore 607 001

3.The Tahsildar
Cuddalore Taluk Office
Silver Beach Road
Manjakuppam
Cuddalore 607 001

4.The Block Development Officer (Panchayat)
Panchayat Union Office
Allpettai, Manjakuppam
Cuddalore 607 001



W.P.No.25810 of 2021

5.The Village Administrative Officer
Naduveerapattu Village
Ranipettai
Cuddalore 607 102

6.The Inspector of Police
Naduveerapattu Village
Ranipettai
Cuddalore 607 102

7.R.Krishnamoorthy .. Respondents
(R7 impleaded *vide* order dt.26.3.2025 in WMP.1760/22 in WP.25810/21)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of a writ of certiorarified mandamus calling for the records relating to the impugned proceedings dated 12.10.2021 in Na.Ka. A4/701/2020 passed by the 4th respondent and quash the same and further direct the respondents to restore the water canal (odai) situated in S.No.160/1, Naduveerapattu Village, Cuddalore District.

For Petitioner	: Mr.S.Saravanakumar
For RR1 to 3 & 5	: Mr.K.Suresh Government Advocate
For R4	: Mrs.V.Yamuna Devi Special Government Pleader
For R6	: Mr.S.Santhosh Government Advocate (Crl. Side)

ORDER

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a direction for issue of a writ of certiorarified mandamus.



W.P.No.25810 of 2021

WEB COPY

2. As regards the certiorari limb of prayer, proceedings dated 12.10.2021 bearing reference Na.Ka.A4/701/2020 made by R4 (Block Development Officer-Panchayat) has been assailed. This proceedings shall be referred to as 'impugned proceedings' for convenience. As regards the mandamus limb, there is a prayer to restore water body viz., canal (odai) situate in 'Survey No.160/1, Naduveerapattu Village, Cuddalore District' [hereinafter 'said water body' for the sake of convenience and clarity].

3. This order has to be read in conjunction with and in continuation of earlier proceedings/orders made in the listing on 26.03.2025 which reads as follows :

"The kernel of the captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) is a 'water canal (Xil) situate in Survey No.160/1, Naduveerapattu Village, Cuddalore Taluk, Cuddalore District' (hereinafter 'said water body' for the sake of convenience and clarity).

2. The crux and gravamen of the captioned main WP is that said water body has been converted into a cart track to facilitate certain adjacent land owners. A water body cannot be obliterated in such a manner, is writ petitioner counsel's say. To be noted, a communication signed on 12.10.2021 by R4 (Block Development Officer-Panchayat) being a communication from R4 to the jurisdictional Sub Inspector of Police bearing reference Na.Ka.No.M4/701/2020, has been



WEB COPY



W.P.No.25810 of 2021

assailed in the captioned main WP. This communication shall hereinafter be referred to as 'impugned communication' for the sake of convenience and clarity.

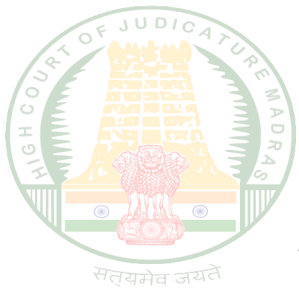
3. We find that the impugned communication adverts to an order dated 08.09.2021 made in W.P.No.18858 of 2021 by another Hon'ble Division Bench and it has been averred in the impugned communication that *vide* this 08.09.2021 order, the other Hon'ble Division Bench has directed the authorities to create a cart track in said water body. On a perusal of the judicial order dated 08.09.2021, we find this averment in the impugned communication to be incorrect.

4. We requisition a report from R1 (District Collector, Cuddalore), which, *inter alia* shall advert to the following:

- i. Has the said water body been converted into cart track wholly or in part?
- ii. R4 referring to a judicial order of this Court and making an averment contrary to the contents of the judicial order, in the impugned communication; and
- iii. The current obtaining position at the site;

5. List a fortnight hence. List on 09.04.2025."

4. In response to the aforesaid earlier proceedings, more particularly, paragraph 4 thereat, R1 (District Collector, Cuddalore) has filed a status report dated 07.04.2025.



W.P.No.25810 of 2021

WEB.COM

5. In the status report, R1 (District Collector, Cuddalore) has admitted that the statement of the BDO is contrary to the judicial order and the BDO has been show caused and departmental proceedings is in the anvil (obviously depending on the response to the show cause). Let the show cause notice be carried to its logical end on its own merits and in accordance with law.

6. As regards the impugned proceedings, the learned State counsel very fairly submits that there will be a roll back and the same will stand withdrawn. This submission is recorded.

7. As regards the mandamus limb of the captioned WP *i.e.*, restoration of 'said water body', a perusal of the status report brings to light that survey is in the anvil and subject to the survey report, proceedings for removal of encroachment under 'The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007' (hereinafter 'Tanks Act' for the sake of convenience and clarity) will be commenced.



W.P.No.25810 of 2021

WEB COPY

8. In the light of the narrative, discussion and the trajectory the matter has taken thus far, we give a closure to the captioned main WP and the captioned two WMPs thereat by making the following order:

- i. Impugned proceedings dated 12.10.2021 bearing reference Na.Ka. A4/701/2020 made by R4 stands withdrawn.
- ii. It is open to the respondents to initiate proceedings in accordance with law by show causing all concerned, if so advised and if so desired and for this purpose, all questions are left open *qua* both sides.
- iii. There shall be a survey of 'said water body' by R3 (Tahsildar) within four weeks from today *i.e.*, on or before 14.07.2025, after putting all concerned on notice and a survey report shall be drawn up by R3.
- iv. If the survey report brings to light encroachments, proceedings under the Tanks Act will be commenced within six weeks from today *i.e.*, 28.07.2025 and concluded within six weeks therefrom *i.e.*, on or before 08.09.2025. Though obvious, we make it clear that anyone who may be show caused or who may be visited with a notice under the Tanks Act, post survey, will have all rights and contentions



W.P.No.25810 of 2021

preserved for responding to the same untrammelled by this

WEB COPY order.

9. Captioned main WP stands disposed of in the aforesaid manner.

Consequently, captioned WMPs stand disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
16.06.2025

Index : Yes/No
Neutral Citation : Yes/No
gya

To
1.The District Collector
District Collectorate
Manjakuppam
Cuddalore 607 001

2.The Revenue Divisional Officer
District Collectorate
Manjakuppam
Cuddalore 607 001

3.The Tahsildar
Cuddalore Taluk Office
Silver Beach Road
Manjakuppam
Cuddalore 607 001



WEB COPY



W.P.No.25810 of 2021

M.SUNDAR, J.

AND

HEMANT CHANDANGOUDAR, J.

gya

4.The Block Development Officer (Panchayat)
Panchayat Union Office
Allpettai, Manjakuppam
Cuddalore 607 001

5.The Village Administrative Officer
Naduveerapattu Village
Ranipettai
Cuddalore 607 102

W.P.No.25810 of 2021

6.The Inspector of Police
Naduveerapattu Village
Ranipettai
Cuddalore 607 102

16.06.2025