



W.P.No.28173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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K.Sathish,
S/o.Krishnamoorthy,
No.16/44, Someshwaran Kovil Street,
Pantruti Taluk,
Cuddalore District.

.. Petitioner

Vs.

1.The District Collector,
District Collector Office,
Cuddalore District.

2.The Tahsildar,
Tahsildar Office,
Pantruti Taluk, Cuddalore District

3.The Village Administrative Office,
Chithiraichavadi Village,
Pantruti Taluk, Cuddalore District.

4.M.Murugan,
S/o.Murugesan,
Road Street, Chithiraichavadi Village,
Kanisapakkam Panchayath,
Pantruti Taluk,
Cuddalore District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the Government Canal Porampoke land in Survey No.144, 145 situated at Chithiraichavadi Village, Panruti Taluk, Cuddalore District and consider the petitioner's representation dated 10.12.2024.

For Petitioner : Mr.T.Elumalai

For Respondents : Mr.K.Karthik Jagannath
Government Advocate
For respondent Nos.1 to 3

Mr.A.Maheshnath
For respondent No.4

ORDER

(Order of the Court was made by G.Arul Murugan, J.)

Heard Mr.T.Elumalai, learned counsel for the petitioner, Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1 to 3 and Mr.A.Maheshnath, learned counsel for the fourth respondent.



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2. The petitioner, through this Public Interest Litigation, seeks issuance of direction for removal of encroachment made by the private respondent on the water body in Survey Nos.144 and 145 situated at Chithiraichavadi Village, Panruti Taluk, Cuddalore District.

3. According to the petitioner, he owns agricultural lands measuring 3.70 acres in Chithiraichavadi Village and an irrigation canal passes on the southern side of his lands, which is a water source. The channel lies between the lands of the petitioner and Kanisapakkam Village road. The fourth respondent has made encroachment in the canal by constructing a house and is thereby blocking the entire water channel. Due to the encroachment, the channel is blocked and the excess water drains into his agricultural lands and also the housing area of the village, which leads to inundation and stagnation. In this regard, the petitioner had made a complaint on 10.12.2024. Since no action was taken to restore the water body, he has come up with the present writ petition.

4. The second respondent/Tahsildar has filed a status report stating that, on survey, 12 encroachments in the water channel situated in Survey No.145/1 (0.26.5 ares) and Survey No.145/2 (0.30.0 ares) of Kanisapakkam Village, have been identified and the



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Tahsildar has directed the Block Development Officer to take appropriate action to remove the encroachments by enclosing Form-1. Pursuant to which, the Block Development Officer had issued communication dated 15.09.2025 to the encroachers to evict the encroachments within 10 days. In case of any failure, the Tahsildar would take appropriate action under the Tamil Nadu Land Encroachment Act, 1905 and remove the encroachments.

5. The private respondent has filed a counter affidavit contending that he had been residing there for 60 years and the government had identified him as landless poor and issued eligibility card for obtaining a house site. It is alleged that the petitioner himself has made encroachment on the government land. A peace committee meeting was conducted on 24.09.2025 in the presence of the Revenue Inspector, wherein it was decided that a suitable place will be selected to provide a free house site patta in the event of any eviction.

6. From the status report filed by the Tahsildar, it is revealed that there is a water channel in Survey No.145/1 (0.26.5 ares) and



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Survey No.145/2 (0.30.0 ares) of Kanisapakkam Village. On survey, 12 encroachments have been identified in the water channel and already the Tahsildar has sent communication dated 11.08.2025 to the Block Development Officer to take appropriate action for removal of encroachments. Pursuant to the communication made intimating the details of 12 encroachments in the water body along with Form-1, the Block Development Officer had issued notice to the encroachers on 15.09.2025 for removal of the encroachments.

7. It seems that pursuant to the communication made by the Block Development Officer, the fourth respondent and the other encroachers had represented that they had been in long possession for which there was a peace committee meeting on 23.09.2025 wherein it was decided that the eviction of the encroachments would be proceeded only pursuant to a decision in this writ petition. It is stated that the petitioner himself is an encroacher. The fourth respondent claims that he has been identified as beneficiary for allotment of a house site and it is also stated that they had been in long possession in the house, which is not a water body.



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8. Be that as it may, when it is clear that the lands in Survey No.145/1 (0.26.5 ares) and Survey No.145/2 (0.30.0 ares) of Kanisapakkam Village, are water body where a water channel is situated, no encroachments could be allowed in the water body.

9. The water body is to be protected and preserved. The authorities are duty bound to act on the encroachments and make the water bodies free from any encroachment. It is needless to state that if the encroachers have already been identified as beneficiaries for allotment of a free house site, then the authorities can identify suitable land for allotment of a house site to the eligible person under the revenue standing orders. However, it is made clear that eviction proceedings shall not be deferred on the ground that allotment proceedings are pending.

10. The authorities shall ensure that the water body is restored and made free from encroachment. It is needless to say that if any encroachment is made by the petitioner, the same is also to be removed.



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11. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

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

Index : Yes/No
Neutral Citation : Yes/No

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