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W.P.No.30005 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.No.30005 of 2022
and
W.M.P.Nos.29416 & 29417 of 2022**

P.Soundharam

..Petitioner

Vs.

1. The Executive Engineer,
Public Works Department,
Water Resources Department,
Namakkal District.
2. The Assistant Executive Engineer,
Public Works Department,
Water Resources department,
Rasiupuram, Salem mDistrict.
3. The Divisional Engineer,
Building and Maintenance,
Highways Department,
Salem District.
4. The Revenue Divisional Officer,
Thiruchengode Taluk,
Namakkal District.
5. The Assistant Divisional Engineer,
Building and Maintenance,



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Highways Department,
Thiruchengode Taluk,
Namakkal District.

6. The Revenue divisional Officer,
Salem, Salem District.
7. The Tahsildar,
Salem South,
Salem District.
8. The Tahsildar,
Thiruchengode Taluk,
Nakakkal District.
9. The Block development Officer,
Mallasamudram,
Namakkal District.
10. R.Gowdham
The Executive Engineer,
Public Works department,
Water Resources department,
Namakkal District.
11. N.Anandan,
The Executive Engineer,
Public Works department,
Water Resources Department,
Namakkal District.
12. The Tahsildar,
Salem Taluk, Salem.
13. The District Revenue Officer,
Collectorate,
Fort Main Road,
Salem – 636 001.



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14. K.Ganapathi,
Chennagiri Post, Attayampatti vial,
Salem – 637 501

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the proceedings of the 7th respondent in Na.Ka.01/2022/Aa3/dated 02.08.2022 and quash the same as non-est, illegal, arbitrary and malafide and consequently, direct the respondents to restore the position of the land in S.Nos.105/2, 106/4 and 106/5 to the position that existed on 21.08.2022 and direct the 13th respondent to dispose of the representation of the petitioner sent by registered post on 20.08.2022 and hand delivered to the 13th respondent on 22.08.2022 in accordance with law within a time period that may be fixed by this Court after affording a reasonable opportunity of being heard to the petitioner.

For Petitioner : Mr.T.Shanmugananda Vijayakumar

For Respondents : Mr.T.Arunkumar,
Addl.G.P. for R1 to 9, R12 & R13
No appearance for R10 & R11
Mr.G.Sugadev Rajaguru for R14

ORDER

S.M.SUBRAMANIAM,J.

The writ petition on hand had been instituted to assail the enquiry notice dated 02.08.2022.



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2. The petitioner states that he is the absolute owner of the lands in S.Nos.105/2, 106/4 and 106/5, Chennagiri Village, Salem Town.

3. Learned counsel for the petitioner would submit that without conducting any enquiry, the respondent authorities have entered into the property belonging to the petitioner and created a water channel, which resulted in filing of the present writ petition. Learned counsel for the petitioner would show the photograph that the channel has been dug without any basis and in the absence of any revenue records. The authorities have committed an illegal act and thus, the writ petition is to be considered.

4. Learned Additional Government Pleader would oppose by stating that the flow of water stopped at one stage and as per the field inspection conducted by the departmental authorities, it was strange to note that flow of water from one land to another land will not stop its flow suddenly. Based on the assessment of the authorities, they have decided to dug channel in the patta land belonging to the petitioner for the purpose of connecting the channel so as to ensure flow of water to all the Aayakar slots in that locality.

5. This Court carefully perused the records and the documents



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produced between the parties.

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6. The official respondents have not produced any revenue records that there was a channel existed and encroached upon by the petitioner land. Admittedly, the subject property belongs to the petitioner and he is the absolute owner of the property. There is no definite document to establish that the water channel existed in the patta land belonging to the petitioner. In the absence of any revenue records to establish the water channel, the authorities, based on their opinion, ought not to have entered into the property belonging to the petitioner, which resulted in infringement of the property right of the petitioner. If at all any such land is required for public purposes, the authorities have to follow due process of law and unilateral action taken by the official respondent, cannot be sustained. Since the actions of the official respondents are not supported by revenue records and merely based on the opinion formed by the Public Works Department officials, this Court is unable to sustain the action initiated. Thus, the impugned proceedings dated 02.08.2022 is quashed.

7. The official respondents are directed to restore the land in its original position enabling the petitioner to enjoy the property free from any



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obstruction or interference. The details in necessary revenue records are to be made so as ensure that the name of the petitioner is restored in all revenue records. Accordingly, the Writ Petition stands allowed. No costs
Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
18.12.2025

vsi
Index:Yes/No
Speaking/Non-speaking order
Neutral citation

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