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W.P.No.30907 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30907 of 2022

and

W.M.P.No.30309 of 2022

R.Arukkani

W/o.Late Ramasamy

... Petitioner

vs.

1. The Commissioner
Tiruchengode Municipality
Tiruchengode - 637 211
Namakkal District.
2. M/s.Stanely Hitech Construction
Company (P) Ltd.,
No.189-E, Bungalow Street
Tiruchengode - 637 211
Namakkal District.
3. C.Duraisamy
S/o.Chinnappa Gounder
4. C.Palanisamy
S/o.Chinnappa Gounder

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st respondent to stop digging the existing seepage water canal at Kombai Nagar, particularly T.S.No.46/1 and 47, Block 10, Ward B, Tiruchengode, Namakkal District and consequently, direct them to remove the encroachments in the canal and restore the same to the existing position taking note of the topography of the location, instead of diverting the direction of the drainage water in the opposite direction to cause damage to the petitioner's residence at D.No.163, Kombai Nagar, Salem Road, Tiruchengode Town, Namakkal District by considering her representations dated 02.09.2022 and 26.10.2022.

For Petitioner : Mr.R.T.Vishnu

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1
Mr.S.Kaithamalai Kumaran
for R3 and R4
R2 (Served) - No appearance

ORDER

[Order of the Court was made by **M.SUNDAR J.**]

Notwithstanding the very expansive prayer, Mr.R.T.Vishnu, learned counsel on record for the writ petitioner abridges the prayer in the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience



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and clarity} for 'Removal of Encroachment' {hereinafter 'RoE' for the sake of brevity, convenience and clarity}.

2. Subject matter of captioned WP is alleged encroachment in 'water canal at Kombai Nagar, particularly, T.S.Nos.46/1 and 47, Block 10, Ward B, Tiruchengode, Namakkal District' {'said water body' for the sake of convenience and brevity}.

3. Request for afore-referred RoE has not yielded results and that has necessitated captioned main WP is the submission of learned counsel for writ petitioner.

4. Mr.T.K.Saravanan, learned Additional Government Pleader for R1 submits that survey of the said water body will be done within a period of eight weeks from today i.e., on or before 10.09.2025 and depending on the survey outcome, action for RoE (if found) will be initiated *vide* appropriate/applicable statute as expeditiously as the business of R1 would permit but in any event within a period of eight weeks therefrom, *i.e.*, on or



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before 05.11.2025. This submission is recorded.

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5. If there are encroachments, action against private respondents and/or other encroachers necessarily means that the private respondents would be show-caused. This Court makes it clear that all rights and contentions of private respondents are preserved if they are show-caused. Therefore, this Court does not touch upon the rights of private respondents.

6. The above means that alleged encroacher/s / private respondent/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. Though obvious, it is made clear that this order does not touch upon the rights of private respondents / noticee/s under appropriate/applicable statute. This means that all the rights and contentions of private respondents / 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



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order, has not expressed any view or opinion one way or the other regarding alleged encroachment *qua* said water body.

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. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

16.07.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

To

The Commissioner
Tiruchengode Municipality
Tiruchengode - 637 211
Namakkal District.

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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