



W.P No. 34352 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.P No. 34352 of 2025

and

WMP.No. 38520 of 2025

1. U.Vijaya
2.N. Jothi
3.A.Balasubramaniyam
4.J.Kalamani

..Petitioners

Vs

1. The District Collector,
Salem District,
Salem.

2.The Tahsildar,
Gangavalli Taluk,
Salem District.

3.The Assistant Engineer,
Water Bodies Department,
Thammampatti, Gangavalli Taluk,
Salem District.



W.P No. 34352 of 2025

4. The Divisional Forest Officer,
Forest Department,
Attur, Salem District.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, directing the second respondent to consider the representation dated 21.08.2025 to grant time for 6 months to vacate the houses situated at Kadambur Road, Meenavar Street, Gangavalli Post and Taluk, Salem District and pass such further or other orders.

For Petitioners: Mr. L.Rajendran

For Respondents : Ms. M.Jayanthi, AGP

ORDER

(Made by **HEMANT CHANDANGOUDAR, J.**)

The captioned writ petition has been filed seeking the issuance of a writ of mandamus directing the 2nd respondent to consider and dispose of the petitioners' representation dated 21.08.2025. In the said representation, the petitioners have requested that they be granted six months' time to vacate the house properties presently under their occupation, until such time as modest dwelling houses are constructed on the alternative sites that have been allotted to them by the State.



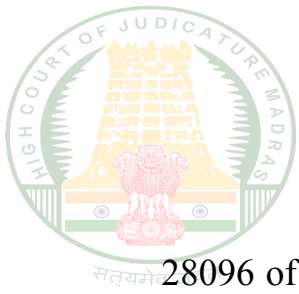
W.P No. 34352 of 2025

WEB COPY

2. The facts in brief are that the writ petitioners were served with notices by the 3rd respondent, requiring them to vacate the house properties which they had put up on a water body. In pursuance of its welfare policy, the State Government has allotted alternative house sites to the petitioners in order to enable them to construct modest dwelling units on such sites. The case of the petitioners is that, although alternative sites have been allotted and possession thereof has been handed over, some reasonable time is necessary for them to construct habitable houses thereon. They therefore seek six months' time to vacate the encroachments made on the water body.

3. Learned counsel for the State, opposing the prayer, submitted that since possession of the alternative sites has already been delivered to the writ petitioners, no further indulgence is warranted, and the petitioners cannot insist on retaining the encroached water body for an additional period of six months. She further submitted that, in view of the impending onset of the northeast monsoon, the encroachments are required to be cleared at the earliest.

4. It is pertinent to note that, in a case involving similar circumstances, a Division Bench of this Court, by order dated 12.08.2025 passed in W.P. No.



W.P No. 34352 of 2025

WEB COPY

28096 of 2025, was pleased to grant six months' time from the date of delivery of possession of the alternative sites, so as to enable the writ petitioner therein to vacate the premises and put up construction on the allotted land.

5. In the present case, it is not in dispute that possession of the alternative sites has already been handed over to the petitioners. In such circumstances, this Court is of the considered opinion that the ends of justice would be met by granting the petitioners a limited time to vacate the encroached portion of the water body, subject to appropriate conditions. Accordingly, this writ petition is disposed of with the following directions:

- i. The petitioners are granted time until 30.11.2025 to vacate the encroached water body and to remove the existing structures therefrom, so as to enable them to construct dwelling houses on the alternative sites already allotted to them.



W.P No. 34352 of 2025

WEB COPY

ii. It is made clear that, in the event the petitioners fail to vacate the encroached portion and remove the structures on or before 30.11.2025, it shall be open to the State and the concerned authorities to initiate and pursue coercive measures for eviction, without any further reference to or intervention by this Court.

6. With the above directions, the writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

17.09.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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WEB COPY



W.P No. 34352 of 2025

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W.P No. 34352 of 2025

17.09.2025