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W.P.Nos.39391 and 39394 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.39391 and 39394 of 2025

and

W.M.P.Nos.44237 and 44239 of 2025

W.P.Nos.39391 of 2025

G.Arumugam

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the District Collector,
District Collectorate,
Chengalpattu District.

2.The District Revenue Officer,
Office of District Revenue Officer,
Chengalpattu District.

3.The Additional Chief Secretary,
Water Resources Department,
PWD Estate, Kamarajar Salai,
Chepauk, Chennai – 600 005.

4.The Chief Engineer, Chennai Region,
PWD Estate, Kamarajar Salai,
Chepauk, Chennai – 600 005.

5.The Assistant Engineer,
Water Resources Department,
Irrigation Division, Office of the Assistant Engineer,
PWD & WRD – Padappai Irrigation Division, Padappai – 601 301.



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6.The Revenue Divisional Officer,
South Chennai Zone, Guindy, Chennai – 600 032.

7.The Tahsildar,
Sholinganallur Taluk,
Chennai – 600 119.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondent to consider the representation dated 18.09.2025 to re-measure the property comprised in S.No.373/1, 373/2 and 373/2A/3, 383 in S.Kolathur Village, Tambaram Taluk, now Sholinganallur Taluk, Chengalpat District comprised in S.No.373/2, Patta No.1411 as per patta S.No.373/2A/3 with 505 sq.ft undivided share of land out of all admeasuring an extent of 1700 sq.ft in the said property.

For Appellant : M/s.D.Manimaran

For Respondents : M/s.M.Jayanthy
Additional Government Pleader

W.P.Nos.39394 of 2025
G.Arumugam

... Petitioner

Vs.

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Chengalpattu District.

3. The Additional Chief Secretary,
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Irrigation Division, Office of the Assistant Engineer,
PWD & WRD – Padappai Irrigation Division,
Padappai – 601 301.

6. The Assistant Engineer,
Water Resources Department,
Sub Division – 1, Poondi – 602 023.

7. The Revenue Divisional Officer,
South Chennai Zone, Guindy, Chennai – 600 032.

8. The Tahsildar,
Sholinganallur Taluk,
Chennai – 600 119.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, praying to issue a writ of Certiorari, to call for the records relating to the impugned order vide in Proceedings No.U.Po.1/Poondi/2025, dated 10.10.2025 passed by the 6th respondent and to quash the same.

For Appellant : M/s.D.Manimaran

For Respondents : M/s.M.Jayanthi



W.P.Nos.39391 and 39394 of 2025

Additional Government Pleader

COMMON ORDER

(Order of the Court was delivered by S.SOUNTHAR, J.)

The writ petition in W.P.No.39391 of 2025 has been filed seeking a direction to the respondents to consider the representation of the petitioner dated 18.09.2025 to re-measure the property comprised in S.No.373/1, 373/2 and 373/2A/3, 383 in S.Kolathur Village, Tambaram Taluk, now Sholinganallur Taluk, Chengalpat District with Patta No.1411 with an extent of 505 sq.ft undivided share out of total extent of 1700 sq.ft in the said property.

2. The writ petition No.39394 of 2025 has been filed challenging the impugned communication of 6th respondent directing the petitioner to remove the encroachment made by him in the water body situated in S.No.373/1 within seven days from the date of receipt of the proceedings.

3. It is the case of the petitioner that the subject property situated in S.No.373/2 originally belonged to one Leela Bai and she sold



the same to one Jacindha Mary. The patta No.1411 with sub division S.No.373/2A/3 stands in the name of said Jacindha Mary till date. She sold the property in favour of one T.Rajakumar under sale deed dated 01.07.2003. He inturn sold the property to one K.Gopalswamy under sale deed dated 22.05.2006. He inturn sold the same to P.Subash Chandra Bose. The said P.Subash Chandra Bose developed four flats in the said land and the petitioner purchased one such apartment bearing Flat No.S1 in second floor, Surya Apartments in Plot No.5, Krishna Nagar 2nd Street, S.Kolathur Village, Tambaram Taluk, now Sholinganallur Taluk. The petitioner purchased 505 sq.ft undivided share out of total extent of 1700 sq.ft under registered document dated 22.07.2015. The apartment complex consisting one flat in the ground floor, two flats in the 1st floor and one flat in the second floor was constructed after obtaining necessary permission from competent authorities. During November 2024, the 5th respondent without issuing any notice to petitioner or his tenant attempted to demolish the portion of the construction in the apartment complex, on the ground that there was an encroachment by the petitioner's complex in the Government Poromboke land situated in S.No.373/1. Hence, the petitioner filed writ petition No.35632 of 2024, challenging the eviction notice issued by the



respondents. The owners of the other flats in the complex have also filed similar writ petitions. All these writ petitions were clubbed together and common order was passed by this Court on 10.12.2024 directing the survey of the subject survey numbers in the presence of the petitioner and other owners. Thereafter, the official respondents issued impugned communication stating that the petitioner encroached the water body in S.No.373/1. Aggrieved by the same, the petitioner filed W.P.No.39394 of 2025. The petitioner also submitted a representation on 18.09.2025 seeking re-measurement of the properties comprised in S.Nos.S.No.373/1, 373/2 and 373/2A/3, 383 and the said representation has not been considered by the respondents. Hence, W.P.No.39391 of 2025 was filed seeking consideration of his representation.

4. The learned counsel appearing for the petitioner vehemently contended that the measurement of the subject survey number made by the respondents was not proper and therefore, the impugned communication seeking to remove the alleged encroachment in S.No.373/1 based on improper measurement cannot be sustained. According to the petitioner, the respondents arbitrarily measured the subject survey numbers and came to the conclusion that the petitioner



encroached water body in S.No.373/1 and hence the impugned communication seeking to remove encroachment in S.No.373/1 is liable to be quashed. According to the petitioner, his apartment complex was constructed in S.No.373/2A/3 and therefore, there is no encroachment of S.No.373/1.

5. A perusal of the typed set of papers would indicate, against the similar communication issued by the respondent seeking removal of encroachment in S.No.373/1 (water body), the petitioner and others approached this Court by filing a writ petition in W.P.Nos.34557, 35632 and 34631 of 2024 and the same were disposed on 10.12.2024. Infact in the said order, this Court clearly recorded the statement made by the learned senior counsel appearing for the petitioner that the petitioner's property is situated in S.No.373/2A/3 and water body is situated only in S.No.373/1. After recording the same, this Court directed the official respondents to conduct survey of the subject survey numbers on 18.12.2024 and take necessary steps to remove the encroached area based on the survey to be conducted.

6. Pursuant to the said directions issued by this Court, a survey was conducted by the respondents on 18.11.2024 and 21.12.2024



in the presence of the petitioner and others and it was found, there was encroachment by the petitioner in water body situated in S.No.373/1. Therefore, Form - III notice was issued to the petitioner and the encroachment was also removed. It is stated in the impugned communication that subsequent to the removal of the encroachment, the petitioner again encroached the portion of the water body and reconstructed. Hence, the present impugned communication has been issued seeking removal of the encroachment in the portion of the water body situated in S.No.373/1.

7. It is the specific case of the petitioner that his property situated in S.No.373/2A/3 and he has nothing to do with water body in S.No.373/1. The impugned notice has been issued only to remove the encroachment in S.Nos.373/1 and not for removal of any construction in S.No.373/2A/3, in such case, the petitioner may not have any grievances. Further, whether the petitioner had encroached the water body in S.No.373/1 is a disputed question of fact. As per the direction issued by this Court in the earlier writ petition filed by the petitioner, respondents re-measured the property and found that there was encroachment. The disputed question of fact with regard to the encroachment cannot be



decided by this Court conveniently in the writ proceedings. Therefore, if the petitioner is so advised, it is for him to workout his remedy by filing civil suit based on his title documents.

8. Admittedly, as per the impugned communication, the respondents want to remove the encroachment found in water body situated in S.No.373/1 and the petitioner is not laying any claim over the water body situated in S.No.373/1. In such circumstances, I do not find anything to interfere with the impugned communication passed by the 6th respondent and accordingly, the writ petition in W.P.No.39394 of 2025 is dismissed with liberty to the petitioner to workout his remedy based on the title document before the Civil Court.

9. The W.P.No.39391 of 2025 is filed seeking direction to the respondents to consider the representation of the petitioner dated 18.09.2025, in view of the order passed in W.P.No.39394 of 2025 and also the fact that the subject properties were already measured by the respondents as per the order passed by this Court, there is no necessity to issue any direction to consider the representation of the petitioner seeking re-measurement of the property. Accordingly, W.P.No.39391 of 2025 is



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also dismissed. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J) (S.S., J)
22.10.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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