



W.P.No.45393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.45393 of 2025 and
W.M.P.Nos.50572, 50574 & 50575 of 2025

Gandhimathy

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Gobichettipalayam, Erode District.
3. The Thasildhar,
Taluk Office, Anthiyur,
Erode District.
4. The Executive Engineer (PWD),
Bhavanisagar Dam, Bhavanisagar,
Erode District.
5. The Assistant Engineer (PWD),
Water Resources Department,
Ammapettai, Anthiyur Taluk,
Erode District.

6. Easwaramurthi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for records of the show cause notice of dated



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08.10.2025 issued by the 5th respondent herein and quash the same and further direct the 3rd respondent herein to appoint independent surveyor to measure the land in S.F.Nos.407/1A, 407/1C, 407/1D, 407/3A, 407/3B, 408/3A and 409/1, 2, 3, 4, 5, 6, 7, 8 and 9 of Chennampatti Village, Anthiyur Taluk, Erode District and to fix the boundary.

For Petitioner : Mr.S.Lakshmanasamy

For R1 to R5 : Mr.A.Selvendran
Spl. Govt. Pleader

ORDER

(By.S.M.SUBRAMANIAM,J.,)

The show cause notice issued under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 is under challenge in the present writ petition. No writ against show cause notice is maintainable, unless it has been issued by an incompetent authority, having no jurisdiction and tainted with allegations of mala fide.

2. In the present case, learned counsel for the petitioner would submit that survey has been improperly conducted and the petitioner owns a patta land adjacent to the Canal.



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3. If at all authorities have entered into the patta land and conducted survey or they make an attempt to take away the patta land, it is open to the petitioner to submit her explanation along with documents to establish her right in respect of the patta land. If any such documents have been filed by the petitioner, it is to be looked into by the competent authority before taking a final decision to evict the encroachment from the water body.

4. Encroachment in water body can at no circumstances be permitted. The authorities are bound to conduct proper survey and identify encroachments in the water body and remove such encroachments by following procedures as contemplated under the Act.

5. In the present case, the authorities have conducted survey and issued notice. If at all, the petitioner has any grievance, it is to be submitted by way of explanation along with documents and thereafter, the authorities shall take a final decision and remove encroachments from the water body. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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AND
C.KUMARAPPAN, J.
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With the above direction, the Writ Petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S,J.) (C.K,J.)
03.12.2025

Index: Yes
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To:

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