



WP.No.46962 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE **S.M.SUBRAMANIAM**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.No.46962 of 2025

and

WMP.No.52457 of 2025

Vidyasagar Charitable Trust
Represented by its Managing Trustee
Mr.Vikas Surana, Mahendra World City,
Paranur, Chengalpattu.

... Petitioner

Vs.

1. The Principal Commissioner,
Commissioner of Land Administration
Chepauk, Chennai.
2. The District Collector,
Chengalpattu.
3. Thasildar
Chengalpattu Taluk,
Chengalpattu.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the record of the first respondent dated 20.11.2025 vide reference letter number F2-10764783/2025 and quash the same and further direct the Respondents to consider our request for exchange of Land in the light of G.O.Ms dated 10.05.2022 and 26A of the Revenue Standing Order.

For Petitioner : Mr.V.Ramesh
for Mr.R.Ashwanth

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

[Order of the Court was made by ***S.M.SUBRAMANIAM, J.***]

The rejection order dated 20.11.2025 issued by the Commissioner of Land Administration, Chennai rejecting the claim of the petitioner for exchange of land is under challenge in the present writ proceedings.



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2. The petitioner is a private Trust running Educational Institution.

The Authorities found that the portion of the land under occupation of the petitioner is a water body classified as “Government Poramboke-Pond [Kulam]”.

3. Eviction proceedings are initiated and it is not in dispute between the parties that eviction order has been passed by the Revenue Authority vide proceedings dated 25.11.2025 by following the procedures as contemplated under the provisions of the Act. Challenging the said eviction proceedings, the petitioners preferred an appeal before the District Collector, Chengalpattu, which is pending.

4. The learned counsel for the petitioner would submit that the disputed portion of the land situate inside the college premises and thus, the petitioner Management has made a request to accept an alternate land



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offered by them for exchange. The said request was rejected by the Commissioner of Land Administration and earlier by the District Collector.

5. It is contended that no prejudice would be caused to the Government, if the proposal for exchange of land is accepted. That apart, eviction proceedings are taken by way of an appeal before the District Collector.

6. The learned Additional Government Pleader would oppose by stating that water body cannot be assigned under RSO.15(38). That apart, request for exchange of land is not automatic nor be claimed as an absolute right. Government may consider such request only in public interest and not on private interest. In respect of water body, even such proposal is not entertainable since the constitutional Courts have time and again emphasised that water body cannot be assigned nor any such



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exchange of land in lieu of water body be accepted. Thus, the application seeking exchange of land has been rightly rejected both by the District Collector and by the Commissioner of Land Administration.

7. As far as the eviction proceedings are concerned, the Original Authority already passed an order of eviction, which is taken by way of an appeal before the District Collector. The District Collector shall dispose of the same on merits and in accordance with law. However, it is made clear that encroachment in water body at no circumstances be allowed and water being life, it is the duty mandated on the State to protect the water body in the interest of public. Preserving water is a constitutional duty of the State and therefore, the encroachment in the water bodies at no circumstances be dealt with leniently either by the Government Authorities or by Courts.



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8. With the above observations, this writ petition stands dismissed.

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The District Collector is directed to dispose of the appeal within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected WMP is also closed.

[S.M.S., J.] [C.K., J.]
01.12.2025

kmi

Index : Yes

Speaking order/Non-speaking order

Neutral Citation : Yes/No

To

1. The Principal Commissioner,
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Chepauk, Chennai.

2. The District Collector,
Chengalpattu.

3. Thasildar
Chengalpattu Taluk,
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