



WEB COPY



W.P.No.48601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.48601 of 2025

and

W.M.P.No.54262 of 2025

M.Raman

... Petitioner

-VS-

1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Water Resource Department,
Fort St. George, Chennai – 600 009.

2.The District Collector,
Office of the District Collector,
GST Road, Vembakkam,
Chengalpattur – 603 111.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Madurantagam, Chengalpattur District – 603 306.

4.The Tahsildar,
Madurantagam Taluk,
Chengalpattur District – 603 306. .

5.The Assistant Engineer,
Water Resource Department, Irrigation,
Acharapakkam, Chengalpattur – 603 301.

... Respondents



W.P.No.48601 of 2025

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 5th respondent dated 21.11.2025 for removal of the Mari Ellaiyamman Temple in Survey No.23/1, Edayalam Village, Madurantakam Taluk, Chengalpet District and quash the same.

For Petitioner : Mr.R.Saravanakumar

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

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

Form-III General Notice issued by the Assistant Engineer, Water Resources Department for removal of encroachment in water bodies under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 is under challenge in the present Writ Petition.

2. No Writ against notice is entertainable, unless such notice has been issued by an incompetent Authority. In the present case, the Authorities during inspection identified the encroachments in water body and thus Form -III General Notice under Rule 6(1) was issued.



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3. The learned counsel for the petitioner would submit that there are other adjacent buildings which are also constructed in the water body, but, notice has been issued only to the petitioner.

4. If the said contention of the petitioner is true, then the Authorities are duty bound to identify all the encroachments in the water body and initiate enforcement action for removal of encroachments. Water is life. Water body are to be preserved in public interest. Destruction / encroachment of water body would cause flooding during rainy season. People at large are suffering on account of flooding and untold mental agony that are caused. Thus, protection of water body is the constitutional duty of the State. Encroachment in water body, at no circumstances, be encouraged, nor be allowed. The Authorities are duty bound to protect the water body and preserve the water, which is the duty mandated under the Constitution.

5. The Constitutional Courts have time and again reiterated that the encroachments in water body at no circumstances be allowed and the Authorities responsible for removal of encroachments in water bodies must be held accountable, if they fail to perform their duties.



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6. In the present case, the respondents are duty bound to identify all the encroachments in water body and initiate enforcement action and protect the water body as contemplated under law. However, the present Writ Petition is not maintainable.

7. The petitioner is at liberty to submit his explanation along with documents, if any, to the Authorities within ten (10) days from today. In the event of receiving any such explanation, the respondents shall consider the same and thereafter proceed with the enforcement action, if the subject property is identified as water body.

8. Consequently, the Writ Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.) (C.K,J.,)
17.12.2025

Index: Yes / No
Internet: Yes / No
dsa



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To:

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