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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 6766 of 2026

CNR: {HCMA010310802026}

P.Bakkiyaraj

Case QR

..Petitioner(s)

Vs

1. The District collector
   Salem Collectorate office,
   Mettur Street,
   Fort Main Road,
   Salem District-636 001

2. The Revenue Divisional Officer
   Attur,
   Salem District-636 102.

3. The Tahsildar
   Talaivasal Taluk office,
   Talaivasal,
   Salem District.

4. The Block Development Office
   (Village Panchayat)
   Talaivasal, Salem.

5. The Village Administrative Office
   Varagur Village and Post,
   Talaivasal Taluk,
   Salem District.

6. M.Duraisamy,
   (R6 Impleaded Vide Order Dated
   12.08.2026 Made In WMP.No.18947/2026
   In WP.No.6766/2026)

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..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the respondents to remove the encroachments in the Odai-comprised in Survey No.46, 47 and 48 of Varagur Village, Thalaivasal taluk and Block, Salem District and any other encroachments on the said water ways to the said village, within time stipulated by this Court.

For Petitioner(s): Mr.S.L. Venkatesan For Mr.D.Gopinathan

For Respondent(s): Mr.B.Sivakollappan
Additional Government Pleader For R 1,3 & 5
Mr.P.Jagadeesan For R -6
R-4 – No Appearance

ORDER

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

Writ on hand has been instituted for directing the respondents to remove the encroachments in the Odai-comprised in Survey No.46, 47 and 48 of Varagur Village, Thalaivasal taluk and Block, Salem District and any other encroachments on the said water ways to the said village, within time stipulated by this Court. Complaints are received to remove the encroachments from the ‘odai’ (water body).

2. Learned Additional Government Pleader, based on the written instructions from the authority, would submit that encroachments are

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already identified. Part of the encroachments are already removed in Survey Nos. 46 and 47. In respect of removal of encroachments, survey was scheduled to be held on 24.10.2026. However, on account of agitation from the local people, it was not completed. Again, the survey is scheduled on 11.11.2026 in respect of the water body encroachments in Survey Nos. 41, 48, 69, 75/1 and 77. Thus, it is submitted that on completion of survey and inspection, all further enforcement actions will be initiated for removal of encroachments from the water body.

3. Encroachments in water body, at no circumstances, be allowed by authorities. Water is life. Water is to be preserved for the benefit of people. Preservation and protection of water bodies is not merely an administrative duty, it is a constitutional mandate of paramount importance. Therefore, competent authorities are bound to protect the water body from encroachments, to cater to the needs of the people and for other purposes. The Constitutional Courts time and again reiterated that no encroachments can be allowed in a water body.

4. In view of the fact that authorities have already commenced inspection, respondents 1 to 4 are directed to complete the survey, identify the encroachments in the water body and remove the same by following the procedure as contemplated under the relevant provisions of

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the Act and Rules. It is needless to state that notices as contemplated under the Act are to be issued and opportunity is to be provided to all the encroachers as contemplated under the Act. The entire exercise is to be completed within a period of twelve weeks from the date of receipt of a copy of this order. After removal of encroachments, 'odai' (water body) is to be preserved in public interest.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
10-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

1. The District collector
   Salem Collectorate office,
   Mettur Street,
   Fort Main Road,
   Salem District-636 001
2. The Revenue Divisional Officer
   Attur,
   Salem District-636 102.

3. The Tahsildar
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   Salem District.

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4. The Block Development Office
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5. the Village Administrative Office
   Varagur Village and Post,
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S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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