



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP Nos. 13133, 13135, 13157 & 13158 of 2026

and

WMP Nos. 14391, 14393, 14412 & 14416 of 2026

M.Babu

..Petitioner
in W.P.No.13133 of 2026

N.Kamaldass

..Petitioner
in W.P.No.13135 of 2026

Sivagami

..Petitioner
in W.P.No.13157 of 2026

Saravanan M

..Petitioner
in W.P.No.13158 of 2026

Vs

1. The District Collector,
Chengalpattu,
Chengalpattu District.
2. The Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai.
3. The Assistant Engineer, PWD
Irrigation Section,
Water Resource Department,
Padappai-601 301.

..Respondents



Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned Form-III Eviction Notice dated 06.02.2026 issued by the 3rd respondent, quash the same as being illegal, arbitrary and without jurisdiction.

For Petitioners: Mr.S.Gunaseelan in all WPs

For Respondents: Mr.A.Selvendran,
Spl. Govt. Pleader in all WPs

Order

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

The present Writ Petitions have been instituted challenging notices issued by the competent authorities under the provisions of “the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007)” {hereinafter “Tanks Act” for the sake of brevity}.

2. The authorities, during inspection found that the subject property has been classified as “Government Poromboke Canal” which is a water body. Thus, the notices came to be issued to the encroachers for removal by following procedures.

3. The learned counsel for the petitioners would submit that a portion of the property is not a water body and therefore, the Assistant Engineer, Public Works Department, Water Resources Organization, is not the competent authority.



4. If at all the petitioners possess any such documents to establish that the subject property is not a water body, they are at liberty to submit those documents along with their explanation, if any, defending their case.

However, no writ against a show cause notice is entertainable and the authorities must be provided with an opportunity to adjudicate the issues on merits by affording an opportunity to the alleged encroachers. This being the procedure, petitioners are at liberty to submit their respective explanation along with documents, if any, to the respondents and on receipt of the same, the competent authority shall consider the representation, take a final decision and pass appropriate orders and thereafter, proceed with the enforcement action in respect of the water body. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, these Writ Petitions stand **dismissed**. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
09-04-2026

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

DSA



To

1. The District Collector,
Chengalpattu,
Chengalpattu District.
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WP No. 13133 of 2026 etc., b





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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

DSA

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