



WEB COPY



W.P.Nos.16373 & 16376 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.Nos.16373 & 16376 of 2026
and
W.M.P.Nos.17587 and 17588 of 2026

Jayachandiran .K
S/o.Kanniappan

... Petitioner
in W.P.No.16373 of 2026

Muthubagavathi G
W/o.Murugan

... Petitioner
in W.P.No.16376 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
in all WPs

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Writ Petitions filed under Article 226 of the Constitution of India seeking 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 Petitioner in both WPs : Mr.S.Gunaseelan

For Respondents in both WPs : Mr.T.Arunkumar
Additional Government Pleader

COMMON ORDER

[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 Poromoboke Canal” which is a water body. Thus, the notices came to be issued to the encroachers for removal by following procedures.



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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 his explanation, if any, defending their case. However, no writ against a show cause notice is maintainable 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 representations, 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.



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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.)
27.04.2026

Index : Yes

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

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.

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

mk

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