



W.P.No.15312 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

**W.P.No.15312 of 2026
and
W.M.P.No.16520 of 2026**

Felix Edward R
S/o.Rajapazham

... Petitioner

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

Writ Petition filed under Article 226 of the Constitution of India
seeking a Writ of Certiorari, calling for the entire records pertaining to the

Page Nos.1/5



W.P.No.15312 of 2026

show cause notice dated 06.02.2026 issued by the 3rd respondent, quash the same as being illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.S.Gunaseelan
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The present Writ Petition has been instituted challenging a notice dated 06.02.2026, issued by the competent authority 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 notice came to be issued to the petitioner / encroacher for removal by following procedures.

Page Nos.2/5



W.P.No.15312 of 2026

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3. The learned counsel for the petitioner 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 petitioner possesses any such documents to establish that the subject property is not a water body, he is at liberty to submit those documents along with the explanation, if any, defending his 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 encroacher. This being the procedure, the petitioner is at liberty to submit his 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.

Page Nos.3/5



W.P.No.15312 of 2026

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Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
22.04.2026

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,
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Page Nos.4/5



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W.P.No.15312 of 2026

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

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W.P.No.15312 of 2026

22.04.2026

Page Nos.5/5