



WEB COPY

W.P.No.15758 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP.No.15758 of 2026
& WMP.No.16987 of 2026

D.Arul, S/o. Devadass,
Madha Kovil Street,
Edakkal main Road,
Perunduraipattu Village,
Thandarampattu Taluk,
Tiruvannamalai District-606 753
Presently residing at.No.510/344
Muniyappan Koil Street,
Chinnaputhur Village, Asthampatti
Post, Salem District-636 007

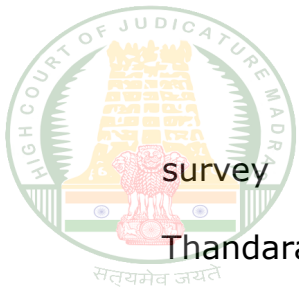
...Petitioner

Vs

1. The District Collector
Tiruvannamalai District,
Tiruvannamalai -606 604
2. The Tahsildar
Thandarampattu Taluk,
Tiruvannamalai District - 606 707
3. The Block Development Officer,
Thandarampattu Panchayat Union,
Tiruvannamalai District - 606 707

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to stop the construction of the overhead tank in petitioner's property comprised in



survey No.40/21A, Madha Kovil Street, Edakkal Main Road, Thandarampattu Taluk, Tiruvannamalai District-606 753 by virtue of the representation dated 20.3.2026.

For Petitioner: Mr.S.Kumaradevan

For Respondents: Mr.P.Siddarth, GA

ORDER

This is a petition filed by the petitioner seeking a direction to the respondents to consider his representation dated 20.3.2026 to stop the construction of overhead tank in the petitioner's property comprised in S.No.40/21A, Madha Kovil Street, Edakkal Main Road, Thandarampattu Taluk, Tiruvannamalai District-606 753.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The case of the petitioner is as follows:

(i) The petitioner's wife acquired a vacant land measuring 673 sq.ft. (approximately 1½ cents) at new S.No.40/21A, Perunduraipattu Village, Thandarampattu Taluk, Tiruvannamalai District-606 753 and it forms part of a large extent of land originally owned by her father with defined boundaries. The total extent of the larger property was about 2,692 sq.ft. and it was divided into four shares, out of which, one share was given to the petitioner's wife. The subject property is in the possession of the

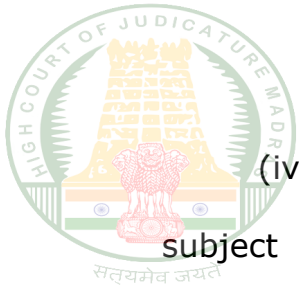


petitioner and his wife. Later, the property that fell to the share of the petitioner's wife was settled in favour of the petitioner vide a settlement

deed dated 01.6.2022 registered as doc.No.2190 of 2022 on the file of the Sub-Registrar, Thandarampattu.

(ii) To eke their livelihood, the petitioner and his wife are away from the native place and are at Salem at present and are also running a pushcart tiffin business. In the meantime, taking advantage of their absence in the native place, the third respondent has unlawfully encroached a portion of the subject property and started construction of overhead water tank on the southern side of the petitioner's land without any authority of law. On coming to know of the illegal construction activity, the petitioner and his wife went to the office of the third respondent on 16.2.2026 and 23.2.2026 and brought to his notice that the construction is being carried out in their private land. But, no action was taken.

(iii) Thereafter, on 04.3.2026, the petitioner submitted a petition in the office of the first respondent seeking immediate intervention. However, as there was no response, the petitioner sent a detailed representation dated 20.3.2026 to the first respondent with a copy to respondents 2 and 3 requesting to conduct an enquiry by the second respondent and to immediately stop the illegal construction of the overhead water tank. The petitioner also issued a statutory notice dated 11.3.2026 to the respondents and four others under Section 80 of the Civil Procedure Code. Despite the same, nothing was forthcoming.

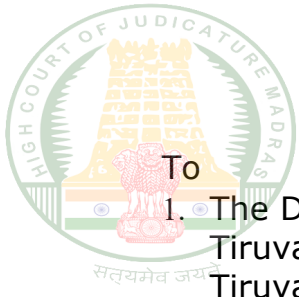


(iv) According to the petitioner, a highways road lies south of the subject property for a long time and after concealing the highway, an extent of 0.0.60 acres of land has been illegally given patta as patta No.311 in the name of Velur Marai Mavatta Ayar as per natham survey No.40/21B. In the same manner, a few others also obtained patta. Further, with the help of Velur Marai Mavatta Ayar and the administrators of the church at Perunduraipattu, the third respondent is constructing the overhead water tank. Under the guise of public purpose, the respondents cannot deprive the petitioner of his property namely the subject property without following the procedure for rehabilitation and resettlement. Hence the writ petition.

4. Considering the limited nature of the relief sought for and without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 20.3.2026 on merits and after affording an opportunity of hearing to respondents 2 and 3, pass appropriate orders thereon in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

01-06-2026

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



To

1. The District Collector
Tiruvannamalai District,
Tiruvannamalai -606 604

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2. The Tahsildar, Thandarampattu
Taluk, Tiruvannamalai District.
606 707.
3. The Block Development Officer,
Thandarampattu Panchayat Union,
Tiruvannamalai District - 606 707

RLI/RS



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M.DHANDAPANI,J

RLI

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