



WEB COPY

W.P.No.17377 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.17377 of 2025

and

W.M.P.No.19699 of 2025

M.Mayilsamy

... Petitioner

-VS-

1.The Executive Engineer,
Parambikulam – Aliyar Project Scheme,
Water Resources Organization,
Makkinampatti, Pollachi – 642 003,
Coimbatore District.

2.The Assistant Engineer,
Parambikulam – Aliyar Project Scheme,
Water Resources Organization,
Palladam, Palladam Taluk,
Tiruppur District.

3.The Assistant Engineer,
Parambikulam – Aliyar Project Scheme,
Water Resources Organization,
Senjeripudur, Sulur Taluk,
Coimbatore District.

... Respondents



W.P.No.17377 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India to praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned Letter issued by the 3rd responded in his Letter No.Ko./AE/Sae.Pu/2025, dated 27.03.2025 along with notice in Form – III, dated 27.03.2025 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.T.Arun Kumar,
Addl. Govt. Pleader

ORDER

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

The present Writ Petition has been instituted challenging the show cause notice dated 27.03.2025 and the order passed by the Assistant Engineer dated 27.03.2025.

2. Notice under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 [hereinafter referred to as 'the Act'], has been issued and without affording opportunity to the petitioner, the final order has also been passed on the same day. In view of the directions issued by the High Court in W.P.No.1935 of 2025 dated 23.01.2025, this Court directed for disposal of the complaint for removal of encroachment in water body. In any event the petitioner is entitled for an



W.P.No.17377 of 2025

opportunity to submit his explanation along with documents, if any. Since no such opportunity has been provided, this Court is inclined to grant time to file explanation in response to the statutory notice issued under the Act on 27.03.2025.

3. In view of the fact that no opportunity has been afforded to the petitioner, the impugned order issued by the Assistant Engineer, Water Resources Organization/ 3rd respondent in letter No. கோ. .உ.பொ./ செ.ப./2025 dated 27.03.2025 alone is set aside. Consequently, the petitioner is permitted to submit his explanation along with documents, if any, in response to the statutory notice issued under form III on 27.03.2025 within a period of ten (10) days from the date of receipt of a copy of this order. On receipt of any such explanation, the respondents shall consider the same and thereafter take final decision and pass final orders within a period of four (4) weeks thereafter. The encroachments if identified in the water body, then it is to be removed without causing any further delay, in any event, the enforcement actions shall be completed within a period of twelve (12) weeks from the date of its identification.



W.P.No.17377 of 2025

4. With these directions, this Writ Petition stands **allowed in part.**

No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.) (C.K,J.)
19.01.2026

Index: Yes / No
Internet: Yes / No
dsa



W.P.No.17377 of 2025

To:

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