



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

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CORAM

**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MRS.JUSTICE N. MALA**

Writ Petition No. 18273 of 2026
and
W.M.P.Nos. 19610 & 19611 of 2026

1. Asaraf Ali
2. Jaibunisha
3. Shagul Hamed
4. Rahamath Kani
5. Faisur Rahuman
6. Suguna
7. Mohammed Ansari
8. Abdul Raseed
9. Mohammed Jakkiriya
10. Mohammed Imran
11. Ribayutheen
12. Iqbal
13. Fathima
14. Ashik Ali
15. Ramanathan
16. Manobala
17. Tahaa

..Petitioners

Vs

1. The District Collector
Office of the District collector Office,
Mayiladuthurai District.
2. The District Revenue Officer
District -level Review committee
under G.O. 540
Mayiladuthurai District.



3. The Revenue Divisional Officer
District -level Appellate Committee
under G.O. 40
Mayiladuthurai District.

4. The Tahsildar
Tharangambadi,
Mayiladuthurai District

5. The Revenue Inspector
Thiruvilayattam Circle,
Tharangambadi Taluk,
Tharangambadi

6. K.Chandrasekaran

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the official respondents to provide alternate lands to the petitioners similar on par with those residing at survey No.134/1 , Kiliyanur Village, Tharangambadi Taluk, Mayiladuthurai District.

For Petitioners: Mr.J.Pothiraj

For Respondents: Mr.B.Sivakollappan
Government Advocate for R1 to R5

ORDER

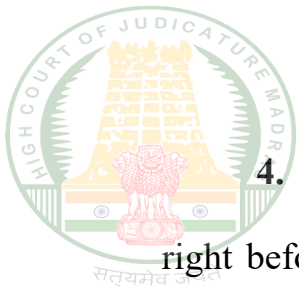
(Order of the Court was made by Dr.G.Jayachandran J.)

In a Public Interest Litigation filed by one Chandrasekar of Agaravallam, Tharangambadi, this Court on 24.03.2026 had directed the official respondents to act upon the Section 6 notice issued under the Tamil Nadu Encroachment Act, 1905, to the private respondents within a period of four weeks.



2. In the said writ petition, the present encroachers were arrayed as respondents 6 to 22. The First Bench of this Court, in its aforesaid order dated 24.03.2026, recorded the plea of the respondents that out of twenty two encroachers, fifteen of them were running commercial shops, while seven were utilizing the premises for residential purposes. Insofar as the persons who were residing on the encroached land are concerned, the First Bench protected their interest by holding that they were entitled for rehabilitation. This being the factual position, the same respondents 6 to 22 as in the writ petition in W.P.No.30216 of 2025, are before this Court, claiming that since they are all residing on the encroached land, a Writ of Mandamus may be issued to the authorities to provide them alternate lands.

3. On a perusal of the earlier order of this Court mentioned above, it is clear that only those encroachers who were residing on Government lands were given protection. However, taking advantage of the said protection given to the residents on the encroached land, the petitioners, except two, who are running commercial activities have now come before this Court seeking alternate land, which this Court finds legally untenable. The notice issued for eviction itself discloses the nature of their enjoyment. The petitioners, who are encroachers of a water body, are in the larger interest of the public, liable to vacate and find an alternate place by themselves.



4. No encroacher can claim alternate accommodation as a matter of right before being evicted from a water body. Any such claim, if entertained, would place a premium on an illegal encroachment and impede the restoration of public resources. Hence, this Writ Petition stands dismissed as devoid of merits. Consequently, the connected Miscellaneous Petitions are closed. No costs.

5. The authorities are directed to implement the order passed by this Court in W.P.No.30216 of 2025 dated 24.03.2026, forthwith, without further delay.

(Dr.G.J.,J.) (N.M.,J.)
10-06-2026

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

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WP No. 18273 of 2



DR.G.JAYACHANDRAN J.
and
N.MALA J.

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