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WP No. 24518 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-06-2026**

CORAM

**THE HON'BLE DR JUSTICE G. JAYACHANDRAN**

**AND**

**THE HON'BLE MRS.JUSTICE N. MALA**

**WP NO. 24518 OF 2026**

**and**

**WMP NO. 26729 OF 2026, WMP NO. 26730 OF 2026**

1. M/s. M.S.S. Transport,  
Rep. by its Authorised Representative,  
Mr.R.Balaji,  
No. A-26 - 2/6-B1, New Workshop Corner,  
Mettur Dam, Salem District-636401.
2. M/s.M.S.S. Logistics,  
Rep. by its Authorised Representative,  
Mr.R.Balaji,  
No.104A, New Workshop Corner,  
Mettur Dam, Salem District - 636401.
3. M/s.Mettur Logistics,  
Rep. by its Authorised Representative,  
Mr.R.Balaji,  
No.24/160, New Workshop Corner,  
Mettur Dam, Salem District - 636401.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,  
rep. by its Secretary to Government,  
Water Resources Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. Assistant Engineer,  
Water Resources Department, Adyar Irrigation  
Division,  
Adyar Basin Division, Punitha Thomas Malai,  
St. Thomas Mount, Chennai -600 016.



3. The Tahsildar,  
Aminjikarai Taluk,  
Chennai District - 600 030.

4. The Project Director,  
National Highways Authority of India (NHAI),  
Koyambedu, Chennai - 600 107.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the Rejection Order dated 02.06.2026 bearing Procedural Order No. 2/Adyar Basin Division passed by the 2nd Respondent and the consequential Eviction Notice in Form-III dated 03.06.2026 issued by the 2nd Respondent and quash the same and direct the Respondents to desist from taking any coercive action against the Petitioners in relation to the property is comprised in Old S.No. 155/1, Town Survey No. 4/1, situated in Block No. 34, Koyembedu Village, Chennai, measuring an extent of 12,792 sq.ft

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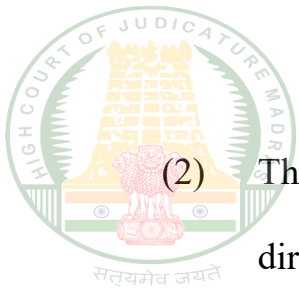
For Petitioner(s): K.R.Arun Shabari  
D.Pazhani  
H.Abdul Muthalif-MS/7692/2024  
M.Sathish Krishna

For Respondent(s): Mr.K.Surendar, GA

**Order**

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

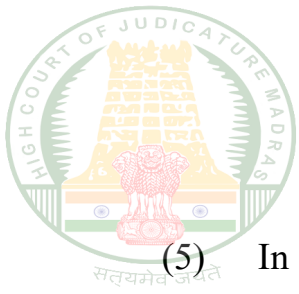
- (1) Mr.K.Surendar, learned Government Advocate accepts notice on behalf of the respondents. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.



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(2) The proceedings of the Assistant Engineer, Water Resources Department, directing the petitioner to remove the encroachment upon the Coovum River Bank, is challenged in this writ petition.

- (3) The learned counsel for the petitioners submitted that as per the Tamil Nadu Protection of Tanks and Eviction of Encroachments Rules, 2007, the Assistant Director of Land Survey and Records Department should authorise the officers to survey the water bodies and the report of the Survey Officers along with the Map has to be published in Form-II and only thereafter, if there is any encroachment, notice under Form-III to be issued. In the present case, the authorities have issued Form-III notice without publishing Form-II. The learned counsel would further submit that the petitioners have a valid title for the land in S.No.4/3, in which they are carrying on their transport business and they have not encroached any portion of S.No.1. While so, when the impugned notice was issued for eviction, the petitioners participated in the enquiry and produced the patta in respect of the land. However, the impugned order is being passed as if the petitioners had encroached S.No.4/1 and S.No.1.
- (4) The learned Government Advocate appearing for the respondents submitted that the process of survey and publishing the map had been done long back and Form-III notice was issued to the petitioners only for ascertaining whether the petitioners are in occupation of S.No.1, which is classified as ‘Coovum River Bed’.



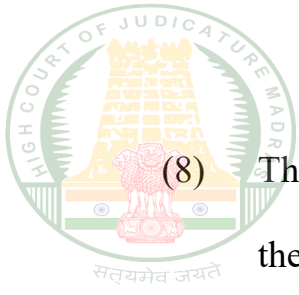
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(5) In fact, when the notice was issued to the petitioners for eviction, she represented that they possessed patta for the land in their occupation.

Hence, on 26.05.2026, in the presence of the petitioners, survey of the land was conducted and the encroachment was confirmed. Therefore, the objection raised by the petitioners was rejected vide impugned proceedings dated 02.06.2026.

(6) The contention of the learned counsel for the petitioners is that the impugned notice reads as if the petitioners are in occupation of the land in S.No.4/1 also and the water body is being encroached by them, which is contrary to the Sale Deeds held by the petitioners. It is clarified by the learned Government Advocate that S.No.1 is the Coovum river Bed and the intention of the authorities is to clear the encroachment along the Coovum river bed. The notice is also very clear that in addition to the petitioners' patta land, the petitioners have occupied S.No.1, which is classified as 'Coovum river Bed'.

(7) Recording the clarification given by the learned Government Advocate, we dispose of the writ petition with a specific direction that the respondents are at liberty to evict any encroachment in S.No.1 alone and shall not proceed in respect of S.No.4/1, where there is semblance of title in favour of the petitioners.



(8) The writ petition is **disposed of accordingly**. No costs. Consequently, the connected miscellaneous petitions are closed.

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(G.J.,J.) (N.M.,J.)  
25-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AP

To

1. The Secretary to Government,  
State of Tamil Nadu,  
Water Resources Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. Assistant Engineer,  
Water Resources Department, Adyar Irrigation Division,  
Adyar Basin Division, Punitha Thomas Malai,  
St. Thomas Mount, Chennai -600 016.
3. The Tahsildar,  
Aminjikarai Taluk,  
Chennai District - 600 030.
4. The Project Director,  
National Highways Authority of India (NHAI),  
Koyambedu, Chennai - 600 107.



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**DR.G.JAYACHANDRAN J.  
AND  
N.MALA J.**

**AP**

**WP No. 24518 of 2016  
and  
WMP NO. 26729 OF 2026,  
WMP NO. 26730 OF 2026,**

**25-06-2026  
[3/3]**