



WEB COPY

WP No. 24513 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. 24513 of 2026

AND

WMP NO. 26720 OF 2026, WMP NO. 26722 OF 2026

Mrs.G.Mahalakshmi,
W/o. Mr.P.Ganesan,
105/1 Secretariat Colony,
7th Street, Kilpauk,
Chennai - 600 010.

..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 part, Town Survey No. 4/3, in Block No. 34, No. 106, Koyembedu Village, Chennai, situated at Door No. 39, Mettukulam, Kalaignar Karunanidhi Nagar, Poonamallee High Road, Koyambedu, Chennai - 600107, measuring an extent of 7,200 sq.ft.and pass such other or further Orders as this Honble Court

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.)

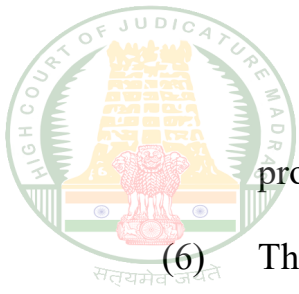
- (1) Mr.K.Surendar, learned Government Advocate accepts notice on behalf of the respondents. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.
- (2) The proceedings of the Assistant Engineer, Water Resources Department, directing the petitioner to remove the encroachment upon the Coovum River Bank, is challenged in this writ petition.
- (3) The learned counsel for the petitioner submitted that as per the Tamil Nadu Protection of Tanks and Eviction of Encroachments Rules, 2007,



WEB COPY

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 petitioner has a valid title for the land in S.No.4/3, in which she had let out the property on rental basis for commercial purpose and she has not encroached any portion of S.No.1. While so, when the impugned notice was issued for eviction, she participated in the enquiry and produced the patta for her land. However, the impugned order is being passed as if the petitioner had encroached S.No.4/3 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 petitioner only for ascertaining whether the petitioner is in occupation of S.No.1, which is classified as ‘Coovum River Bed’.
- (5) In fact, when the notice was issued to the petitioner for eviction, she represented that she possessed patta for the land in her occupation. Hence, on 26.05.2026, in the presence of the petitioner, survey of the land was conducted and the encroachment was confirmed. Therefore, the objection raised by the petitioner was rejected vide impugned



proceedings dated 02.06.2026.

(6) The contention of the learned counsel for the petitioner is that the impugned notice reads as if the petitioner is in occupation of the land in S.No.4/3 also and the water body is being encroached by her, which is contrary to the Sale Deeds held by the petitioner. 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 petitioner's patta land, the petitioner has occupied S.No.1, which is classified as 'Coovum river Bed'.

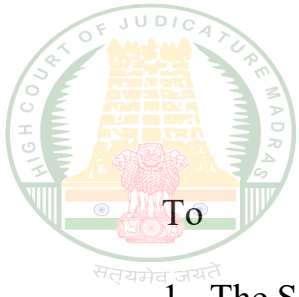
(7) Recording the clarification given by the learned Government Advocate, we dispose of the writ petition with a specific direction that the respondents are at liberty to evict any encroachment in S.No.1 alone and shall not proceed in respect of S.No.4/3, where there is semblance of title in favour of the petitioner.

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

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

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

AP



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.



WEB COPY

WP No. 24513 of 2



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

AP

**WP No. 24513 of 2026
AND
WMP NO. 26720 OF 2026,
WMP NO. 26722 OF 2026**

**25-06-2026
[1/3]**