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W.P.No.26390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.26390 of 2022

S.Vajravelu
S/o.Late Shanmuga Mudaliar

... Petitioner

VS.

1. The President
Nedunkundram Panchayat
Kattankolathur Panchayat Union
Chengalpet District.

2. The Commissioner
Block Development Officer
Kattankolathur Panchayat Union
Chengalpet District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records on the file of the respondents Form III Rule 6(1) dated 18.08.2022 and quash the same and consequently, direct the respondents not to interfere with the peaceful possession and enjoyment of the schedule property in Alappakkam, Nedunkundram Village, Vandalur Taluk, Perungaluthur,



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Chennai-63, comprised in Old Survey No.535/2 Part and New Survey No.649/6.

For Petitioner : Ms.Selvi George
For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The writ on hand has been instituted challenging the show cause notice dated 18.08.2022 issued by the President, Nedunkundram Panchayat, Kattankulathur, Chengalpet District. The Panchayat Administration identified encroachment in the water body. The Panchayat President issued a show cause notice by invoking the provisions of “the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007)” {hereinafter “Tanks Act” for the sake of brevity}.

2. The learned counsel for the petitioner would submit that the Panchayat President is not the competent authority having jurisdiction to issue such a notice under the provisions of Tanks Act and therefore, the impugned notice is without authority of law and is liable to be set aside.

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3. The learned Additional Government Pleader would oppose by stating that the Panchayat President, on identification of encroachment in a water body, is empowered to provide an opportunity to encroachers to vacate themselves from water body and hand over possession of the land to the Panchayat Union, failing which, the Panchayat President is bound to submit a report to the competent authority under the Tanks Act for initiation of enforcement action by following the procedure as contemplated under the Tanks Act. Such a notice may be treated as initial show cause notice issued to the encroacher in water body.

4. This Court has considered the rival submissions made between the parties to the *lis*.

5. Section 6 of Tanks Act reads as follows:

“6. Report of Survey Officer - (1) The Survey Officer shall after the completion of the survey of tanks, prepare a chart and a register pointing out the boundaries of the tanks and such other information necessary for the purpose of identifying the limits of tank.

(2) The chart and the register prepared under sub-section (1) shall be handed over to an Officer of the Public Works Department, having control over such tanks, as may be specified by the Government.



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(3) The officer referred to in sub-section (2), shall within one month from the date of handing over of the chart and register, publish a notice in such manner as may be prescribed pointing out the boundaries of the tank.”

6. Section 7 of Tanks Act reads as follows:

“7. Eviction of encroachment- (1) If the officer specified in sub-section (2) of Section 6 of opinion that any person has encroached upon any land within the boundaries of the tank and that the encroacher should be evicted, the officer shall issue a notice in the manner as may be prescribed, calling upon the person concerned to remove the encroachment before a date specified in the notice.

(2) Where, within the period specified in the notice under sub-section (1), the encroacher has not removed the encroachment and has not vacated the land within the boundaries of the tank, the officer referred to in sub-section (2) of Section 6 shall remove the encroachment and take possession of the land within the boundaries of the tank encroached upon, by taking such police assistance as may be necessary. Any police officer whose help is required for this purpose shall render necessary help to that officer.

(3) Any crop or other product raised on the land within the boundaries of the tank shall be liable to forfeiture and any building or other construction erected or anything deposited



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thereon shall also, if not removed by the encroacher after a notice under sub-section (1), be liable to forfeiture.”

7. Rule 2(1)(d) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, defines "Officer" means the Assistant Engineer or Junior Engineer or Overseer of the Water Resources Organisation of Public Works Department, in charge of the tanks lying in his jurisdiction for the purpose of enforcing the provisions of the Tanks Act and Tanks Rules.

8. Therefore, it is amply clear that the authorities specified under the Tanks Act and Tanks Rules alone are competent authorities to initiate enforcement action for the removal of encroachment in water bodies. Thus, the notice issued by the Panchayat President under the provisions of the Tanks Act is without jurisdiction. However, the said notice may be treated as an information and the Panchayat President is directed to submit a report to the competent authority of Water Resources Organisation, Public Works Department, for initiation of eviction proceedings.

9. Thereafter, the competent authority under the Tanks Act is directed to initiate enforcement action by following the procedure



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contemplated under the Tanks Act and Tanks Rules and by affording an opportunity to encroachers and thereafter, evict the encroachments, if any, identified in the water body. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above directions and observations, the Writ Petition stands disposed of. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
12.03.2026

Index : Yes
Neutral Citation : Yes
Speaking order

mk

To

1. The President
Nedunkundram Panchayat
Kattankolathur Panchayat Union
Chengalpet District.
2. The Commissioner
Block Development Officer
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Chengalpet District.

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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