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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 27652 of 2022

and

WMP. Nos.26928, 26929, 26933 & 26934 of 2022

1. V.Thirulogasundar
2. G.Viswanathan
3. Vignesh

..Petitioners

Vs

1. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai- 600 008.
2. The District Collector,
Thiruvallur District,
Thiruvallur-602 001.
3. The Executive Engineer,
Public Works Department,
Poonamallee, Thiruvallur District,
Chennai- 600 056.
4. The Block Development Officer,
Poonamallee Panchayat Union,
Poonamallee, Chennai- 600 056.
5. Rajkumar Impex Private Limited,
Rep. by its Vice President Mr.Kannan,
No.1B, Brindavan Apartments,
No.57/22, Gandhi Nagar 4th main Road,
Adayar, Chennai- 600 020.



6. The South Chennai Co-operative Housing Society Limited,
Rep by its Secretary S.Babu,
No.23, Kumaran Colony,
9th Street, Vadapalani,
Chennai- 26.
7. T.K.S.Pugazendhi
8. P.Saravanan
9. P.Lokesh
10. M/s.SPE Homes Private Limited,
Rep. by its Director P.Saravanan,
“TKSPM Tower”, 2nd Floor,
Trunk Road, Poonamallee,
Chennai - 600 056.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to take swift action against the 5th and 6th respondents to remove the encroachment caused in and over the canals formed in their layout bearing S.F.Nos. 73,75,79,36,35,37,116, 117, 118,119, 121,10,11,12,32,33 etc. and also restore the water channels formed in S.F.Nos.73,74,75,76,77,79,80,82,115,116,117 and 119 which were destroyed by the 5th and 6th respondents, by considering our representations dated 25.07.2022, 21.09.2022 and 28.09.2022.

For Petitioners:

Mr.P.Krishnan

For Respondents:

Mrs.P.Veena Sures,
Standing Counsel for R1

Mr.T.Arunkumar,
Addl. Govt. Pleader for R2 & R3

Mr.N.Ramakrishnan
for M/s.Waran and Sai Rams for R6 to R10

R4 – No appearance



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ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents 1 to 4 to take action against the respondents 5 and 6 to remove the encroachments caused in and over the canal formed in their layout bearing S.F.Nos.73, 75, 79, 36, 35, 37, 116, 117, 118, 119, 121, 10, 11, 12, 32, 33, etc., and also restore the water channels formed in S.F.Nos.73, 74, 75, 76, 77, 79, 80, 82, 115, 116, 117 and 119, which were destroyed by the respondents 5 and 6, by considering the petitioners' representations dated 25.07.2022, 21.09.2022 and 28.09.2022.

2. The writ petitioners have made a complaint against the respondents 5 and 6 on the ground that they have encroached upon the water body. Since no action has been taken by the Authorities, the Writ Petition came to be instituted.

3. The Revenue Divisional Officer, Tiruvallur conducted an enquiry and passed final orders in proceedings dated 02.11.2023, thereby identified water body as well as the encroachments. The said proceedings were issued after conducting enquiry and by affording opportunity to all the parties.



4. The learned Additional Government Pleader would submit that the compound wall constructed in the road causing obstruction to water channel, had already been removed and road has been laid for public usage. As far as the removal of encroachments in water body is concerned, on account of pendency of the present Writ Petition, further actions are yet to be taken.

5. The learned counsel for the impleaded respondents would submit that in respect of the compound wall demolished, a civil suit has been instituted. In respect of the alleged encroachments in the water body, the claim set out by the Government is incorrect and the impleaded respondents are *bona fide* purchasers of the land.

6. If at all the impleaded respondents claim any title/ ownership in respect of the water body encroachments, their remedy is to approach the competent civil Court. As far as the Government Authorities are concerned, they have verified the revenue records and identified encroachments in water body. Enquiry was also conducted by affording opportunity to the parties by the Revenue Divisional Officer, Tiruvallur. That being the factum, there is no impediment for the Authorities to remove the encroachments in the water body and resume the land and preserve the water body for the benefit of the public at large. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



7. With the above directions, this Writ Petition stands **disposed of**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.S.,J.)
06-04-2026

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

DSA



To

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2. The District Collector,
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WP No. 27652 of 2



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

DSA

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