WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP Nos. 43485, 43487 and 43498 of 2026
CNR:{HCMA012561922026}
Case QR
AND
WMP Nos. 48797, 48799, 48809 and 48814 OF 2026

W.P.No.43485 of 2026

Hero Basha
S/o. Kadhar Basha,
Melsiruvallur village and post,
Vanapuram Taluk, Kallakurichi district

..Petitioner

Vs

1. The District Collector
   District Collectorate,
   Kallakurichi district.

2. The Thasildar
   O/o. Thasildar,
   Vanapuram Taluk,
   Kallakurichi district

3. The Assistant Engineer
   (Water Resources Department),
   Irrigation Division, Moongilthuraipattu,
   Vanapuram Taluk, Kallakurichi district.

..Respondents

https://www.mhc.tn.gov.in/judis

WEB COPY

WP No. 43487 of 2026

Case QR

CNR:{HCMA012561932026}

Ramzan Basha
S/o. Kadhar Basha Sherif ,
Melsiruvallur village and post,
Vanapuram Taluk, Kallakurichi district

..Petitioner

Vs

1. The District Collector
   District Collectorate,
   Kallakurichi district.

2. The Thasildar
   O/o. Thasildar, Vanapuram Taluk,
   Kallakurichi district

3. The Assistant Engineer
   (Water Resources Department),
   Irrigation Division, Moongilthuraipattu,
   Vanapuram Taluk, Kallakurichi district

..Respondents

WP No. 43498 of 2026

Case QR

CNR:{HCMA012561942026}

Piyaru Basha
S/o. Kadhar Basha Sherif,
Melsiruvallur village and post,
Vanapuram Taluk,
Kallakurichi District

..Petitioner

Vs

1. The District Collector
   District Collectorate,
   Kallakurichi district

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The Thasildar
   O/o. Thasildar,
   Vanapuram Taluk,
   Kallakurichi district

3. The Assistant Engineer
   (Water Resources Department),
   Irrigation Division, Moongilthuraipattu,
   Vanapuram Taluk, Kallakurichi district.

..Respondents

Prayer in W.P.No.43485 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the impugned order dated 15.09.2026 having ref No. 36/ Ko.12 (Encroachment)/ 2026 / U.Po/ Moo. Thu.Pattu and the subsequent FORM III Notice dated 5.10.2026 issued by the 3rd respondent quash the same.

Prayer in W.P.No. 43487 of 2026 : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the impugned order dated 15.09.2026 having ref No. 36/ Ko.12 (Encroachment)/ 2026 / U.Po/ Moo. Thu.Pattu and the subsequent FORM III Notice dated 5.10.2026 issued by the 3rd respondent quash the same.

Prayer in W.P. No. 43498 of 2026 : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the impugned order dated 15.09.2026 having ref No. 36/ Ko.12 (Encroachment)/ 2026 / U.Po/ Moo. Thu.Pattu and the subsequent FORM III Notice dated 5.10.2026 issued by the 3rd respondent quash the same.

For Petitioner(s): Ms. R.Divyapreathika
For Respondent(s): Mr. K. Surender
Special Government Pleader For RR1 & 2

https://www.mhc.tn.gov.in/judis

WEB COPY

Order

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

These writ petitions have been filed challenging the Form III notices under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Prior to Form III notices, show cause notice were issued by the Assistant Engineer, Water Resources Department vide proceedings dated 15.09.2026. The authorities during inspection identified in water body. The encroachments are more specifically identified in Sathanur Tank Canal project and the importance of the Canal Project has been narrated in Paragraphs 3, 4 and 5 of the status report, which reads as under:

> " *3. It is submitted that, the Sathanur Right Bank Canal Project was commenced implementation of the project land were acquired with many survey in 1976 and the project works were completed in 1981. During numbers in various villages and compensation was paid.*
>
> *4. It is respectfully submitted that, the Sathanur Right Bank Canal Project has been in operation since 1981. For more than 45 years water has been supplied through the canal to tanks and for direct ayacut irrigation. In Melsiruvallur village more than 75 numbers of survey fields were provided for the Sathanur Right Bank Canal Project. The petitioner's land is also stated to fall within this area. The Sathanur Right Bank Canal (S.R.B.C)-18L Distributary is fully Open Canal and it*

https://www.mhc.tn.gov.in/judis

WEB COPY

has been supplying water to Ulagalappadi tank and for direct ayacut irrigation in surrounding areas for more than 45 years.

2. The Assistant Engineer in his report has stated that Form I notice was issued to the encroachers and they have received the same. Learned counsel for the petitioners would submit that Form I notices had not been received by the petitioners.

3. Be that as it may. This court is of the considered view that the petitioners may be permitted to submit their representations in response to the notices issued by the competent authority regarding the encroachments in the water body. In this regard, the petitioners are at liberty to submit their representations within a period of one week from the date of receipt of a copy of this order. On receipt of such representations, the respondents shall look into the same and thereafter take a final decision and proceed with the enforcement actions for removal of encroachments. Encroachments in water body, at no circumstances should be permitted. Therefore, the authorities shall ensure that the water bodies are protected free from encroachment and ultilise the same to subserve the public cause. The entire exercise shall be completed by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. With the above direction, the writ petitions stand disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (R.R.V.,J.)
04-11-2026

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

KST

To

1. The District Collector
   District Collectorate,
   Kallakurichi district.

2. The thasildar
   O/o. Thasildar,
   Vanapuram Taluk,
   Kallakurichi district

3. The Assistant Engineer
   (Water Resources Department),
   Irrigation Division,
   Moongilthuraipattu,
   Vanapuram Taluk,
   Kallakurichi district

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

S.M.SUBRAMANIAM J.
AND
R.RAJESH VIVEKANANTHAN J.

KST

WP Nos. 43485, 43487
and 43498 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis