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W.P.No.46486 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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R.Bangarusamy,
S/o.Late RajiNaidu,
No.11/1B2, Ponnalaman Salai,
Thirumoorthy Nagar Post,
Udumalpet Taluk,
Tiruppur District.

.. Petitioner

Vs.

- 1.The Collector,
Office of Collectorate,
Tiruppur District.
- 2.The Chief Engineer,
Water Resources Organization,
Public Works Department,
Coimbatore District.
- 3.The Executive Engineer,
Water Resources Organization,
Public Works Department,
Thirumoorthy Dam Division,
Udumalpet, Tiruppur District.
- 4.The Assistant Executive Engineer,
Water Resources Organization,
Public Works Department,



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Mananai Division,
Thirumoorthy Nagar, Udumalpet.

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5.The Assistant Engineer,
Office of The Assistant Engineer,
Department of National Highways,
Udumalpet, Tiruppur District.

6.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

7.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department, Udumalpet.

8.The Tahsildar,
Udumalpet Taluk,
Udumalpet.

9.S.Thilagavalli,
W/o.M.Senthil Raj,
Hotel Shanmugha Bhavan,
Boat House, Thirumurthy Nagar & Post,
Udumalaipetai Taluk, Tiruppur District,
Tamil Nadu - 642 112.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 8 to remove the encroachment made by the 9th respondent in lands situated at Dhali Village, Udumalpetai Taluk, Tiruppur District, comprised in S.No.332/1, S.No.332/2 and S.No.333/2.

For Petitioner : M/s.S.Ambika
for Mr.K.Venkateswaran

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader
for R1 to R8



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ORDER

(Order of the Court was made by G.Arul Murugan, J.)

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Heard M/s.S.Ambika, learned counsel for the petitioner and Mr.E.Vijay Anand, learned Additional Government Pleader for respondents 1 to 8.

2. This writ petition, styled as Public Interest Litigation, seeks issuance of direction to remove the encroachment on the water body situated in Survey Nos.332/1, 332/2 and 333/2 at Dhali Village, Udumalpetai Taluk, Tiruppur District, by the private respondent.

3. It is the case of the petitioner that the 9th respondent had made encroachment on the Government poramboke land and water body by constructing Hotel and Marriage Hall. Due to the encroachment on 'Odai', the flow of water is diverted and further, the private respondent is engaging in dumping the hotel waste in the stream of the river.

4. Pursuant to the complaint made by the petitioner, survey was conducted and the encroachment was identified. However, alleging that the official respondents did not take any effective action but



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allowed the private respondent to be in enjoyment of the encroached portion, which is not permissible, the petitioner has preferred the writ petition.

5. Responding to the allegations, respondents 4 and 8 have filed separate status reports. It is stated that as per the revenue records, land in Survey No.332/1 is classified as 'PWD poramboke', Survey No.332/2 is classified as 'Odai Vari' and Survey No.333/2 is classified as 'Tharisu'. Pursuant to the complaint, inspection was conducted by the Surveyor on 08.02.2024, encroachment was identified and appropriate proceedings were initiated under the Tamil Nadu Land Encroachment Act, 1905. The 9th respondent, who was found in encroachment of a portion of land, on issuance of notice had voluntarily removed the encroachment on 30.10.2024 itself. As on date, there is no encroachment on the water body in Survey No.332/2, which is classified as 'Odai Vari'.

6. As regards the land classified as 'PWD poramboke' in Survey No.332/1, after the encroachment was removed, since the land is situated near the tourist place, the Joint Director, Tamil Nadu State Rural Livelihood Mission, through proceedings dated 13.03.2025, had



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selected a portion of land in Survey No.332/1 for forming 'Madhi Angadi' in order to market the products of Women's Self-Help Group. Further, since the land is situated adjacent to the Hotel of the 9th respondent and she had made a request for temporary allotment of balance portion of the land on lease for the purpose of parking the vehicles of customers, the Chief Engineer, WRD, Coimbatore, by proceedings dated 27.06.2025, granted temporary lease to the 9th respondent of the portion of land which is a poramboke land and not a water body.

7. It is the vehement contention of the learned counsel for the petitioner that when the 9th respondent was continuing in encroachment over a portion of land, she cannot be allowed to be in enjoyment under the guise of lease.

We are not able to appreciate the contention raised. It is not in dispute that the encroachment that was found in the Government land was voluntarily removed. Pursuant to proper application, the authorities, after granting a portion of land to the Women's Self-Help Group, had granted lease for the balance portion of land to the 9th respondent for parking of vehicles. When there is no bar to grant



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lawful permission to a person who was earlier found in encroachment of the Government land, we see no irregularity in the lease so granted, once she vacates the encroached land.

8. Moreover, it has been categorically submitted that there is no encroachment on the water body in Survey No.332/2 and only permissions have been granted in the Government land in Survey No.332/1 for lease after removal of the encroachment. The grievance of the petitioner to remove the encroachment on the water body has already been redressed and the authorities have taken suitable steps to put the Government poramboke land for effective use to prevent further encroachments.

9. In view of the above, making it clear that the water body shall always be maintained free from any encroachment, the writ petition stands disposed of. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN, J)
05.01.2026

Index : Yes/No
Neutral Citation : Yes/No
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