



W.P.No.1558 of 2026

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The matter is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. The petitioner undertook that he will file an affidavit of undertaking that he himself will demolish the unauthorized kitchen constructed in the water channel. Despite two opportunities, the petitioner has not filed a clear affidavit of undertaking and the way in which the affidavit is filed appears to be doubtful. Therefore, the respondents shall proceed with the demolition of unauthorized construction made in the water course forthwith as ordered by this Court.

(S.M.S.,J.) (C.K.,J.)
30.01.2026

dsa



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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

dsa

W.P.No.1558 of 2026

30.01.2026



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.1558 of 2026

Khaderia Muslim Educational Society,
Rep. by its General Secretary,
No.111/483, Jinnah Road,
Khaderpet, Vaniyambadi – 635 751,
Tiruppathur District.

... Petitioner

-VS-

- 1.The Chief Engineer,
W R D – Palar Basin,
Office of Public Works Department,
Chepauk, Chennai – 600 005.
- 2.The Executive Engineer,
Upper Palar Basin Division – PWD-WRO,
PWD Office Complex,
Suthanthira Ponvizha Nagar,
Second East Main Road – Gandhi Nagar,
Vellore – 632 006.
- 3.The Revenue Divisional Officer,
Islamiah College Road – New Town,
Vaniyambadi – 635 752.
- 4.The Assistant Engineer,
Palar Basin – WRD,
Islamiah College Road- New Town,
Vaniyambadi – 635 752.



5.The Tahsildar,
Taluk Office,
Vaniyambadi – 635 751
Tiruppathur District.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India to praying to issue a Writ of Mandamus directing the respondents to consider the representation of this petitioner dated 12.12.2025 and considering the factual scenario of the encroachment in question and the humble cause of public objective, exempt the Noon-Meal Kitchen from their eviction process which has erected in a small part of the dry sewerage with an extent of 300 sq. feet to benefit the poor pupils of the schools.

For Petitioner : Mr.S.Deiva Sigamani

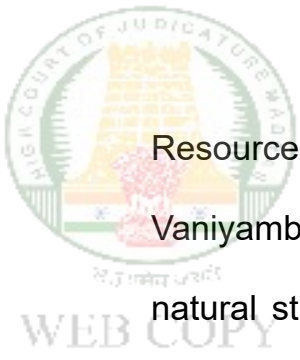
For Respondents : Mr.A.Selvendran
Special Govt. Pleader

ORDER

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

The Writ of Mandamus has been instituted to direct the respondents to consider the representation of the writ petitioner dated 12.12.2025 to exempt the Noon-Meal Kitchen from eviction process, which has been admittedly erected in dry sewerage.

2. The Assistant Engineer, Water Resources Department, Irrigation Section, Vaniyambadi provided written instructions to the learned Special Government Pleader, which would reveal that Govindapuram tank in Vaniyambadi Taluk of Tirupathur District is under maintenance of Water



Resources Department. Govindapuram tank is located upstream side of Vaniyambadi Town. Surplus course of Govindapuram tank confluence with natural stream and traverse through Vaniyambadi Town. The writ petitioner Khaderia Muslim Educational society had constructed Kitchen area with an extent of 26.2 sq.m in a Channel course TS.F.No. 123, Ward – E, Block – 14. During Monsoon Flood season inundation problem occurs due to insufficient waterway, which becomes inconvenience to general public routine life in Vaniyambadi Town.

3. In view of the obstruction caused by the petitioner in the channel course, actions are initiated to evict the encroachments and demolish the unauthorized constructions. The said action cannot be construed as erroneous and the negative relief sought for in the present Writ Petition cannot be granted. The encroachments in water body are to be removed by following the procedures as contemplated.

4. In the present case, the encroachment is made in channel course, which would result in flood during rainy season and the obstruction of water course cannot be permitted. Therefore, the Authorities are directed to demolish the unauthorized construction by following the procedures as contemplated.

5. With these observations the Writ Petition stands **dismissed**. No



costs.

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Index: Yes / No
Internet: Yes / No
dsa

(S.M.S,J.,) (C.K,J.,)
23.01.2026



To:

- 1.The Chief Engineer,
W R D – Palar Basin,
Office of Public Works Department,
Chepauk, Chennai – 600 005.
- 2.The Executive Engineer,
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