



W.P(MD) No.17689 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.17689 of 2018

&

W.M.P.(MD)No.15574 of 2018

Sarvodaya Ashram,
Kanavaipatti,
Rep. by its President,
M.A.Gunaseelan,
S/o.A.Avaiyan,
163, Sarvodaya Ashram,
Kanavaipatti Post,
Batlagundu Via,
Dindigul 624 202.

... Petitioner

Vs.

1.The Assistant Engineer,
Public Works Department / Water Resource Department,
Channel Division -1,
Batlagundu, Dindigul District.

2.The Executive Engineer,
Public Works Department /Water Resource Department,
Manjalaru Sub Division,
Periyakulam,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the Impugned Order in Form III under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 dated 16.07.18 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.T.Ajmal Khan
Government Advocate
for R1 & R2

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioner challenges the Form III notice issued by the Water Resources Department under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.



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3. It is seen that the petitioner was granted what is known as 2-C patta way back in the year 1985 and it is in that capacity, the petitioner is in occupation of over 5.5 acres. It is not in dispute that the petitioner is in occupation of a water body. It is well settled that occupation of a water body is impermissible and that patta cannot be granted. However, we are inclined to show some indulgence because the petitioner is a Sarvodaya trust.

4. The petitioner, through their counsel, give an undertaking that as and when the respondent department proposes to restore the Kanmai to its original position, they would vacate without offering any resistance. The learned counsel for the petitioner states that the coconut grove had been put up by the Trust only at a higher altitude and that it is not suitable for storage of water. We do not want to go into these aspects. We would rather call upon the respondent to take a call in the matter.

5. Recording the stand of the petitioner that they would unconditionally vacate once demand is made by the respondent as and when they propose to restore the Kanmai to its original condition, this



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writ petition is disposed of. No costs. Consequently, connected
miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
23.03.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

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