

Ramu vs the District Collector

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Court : Chennai Orders

Decided On : Mar-27-2026

Judge : Honourable Mr Justice S. M. Subramaniam, Honourable Mr. Justice K. Surender

Appeal No. : WP/11840/2026

Appellant : RAMU

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM AND THE HON'BLE MR. JUSTICE K. SURENDER and W.M.P.Nos.12922, 12925, 12949 and 12952 of 2026 Ramu S/o.Perumal ... Petitioner in W.P.No.11840 of 2026 Ravikumar B S/o.Baskar ... Petitioner in W.P.No.11842 of 2026 Lakshmi Velmurugan ... Petitioner in W.P.No.11857 of 2026 Ramesh .N S/o.Narayanan ... Petitioner in W.P.No.11862 of 2026 vs.

1. The District Collector Chengalpattu Chengalpattu District.
2. The Tahsildar Pallavaram Taluk Office Pallavaram, Chennai. Page Nos.1/5
3. The Assistant Engineer, PWD Irrigation Section, Water Resource Department Padappai - 601 301. Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the entire records pertaining to the impugned Form-III Eviction Notice dated 06.02.2026 issued by the 3rd respondent, quash the same as being illegal, arbitrary and without jurisdiction. For Petitioner in all WPs : Mr.S.Gunaseelan For Respondents in all WPs : Mr.A.Selvendran Special Government Pleader *****

COMMON ORDER

[Made by S.M.SUBRAMANIAM, J.,] The present writ petitions have been instituted challenging notices issued by the competent authorities under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007) {hereinafter Tanks Act for the sake of brevity}.

2. The authorities, during inspection found that the subject property

has been classified as Government Poromoboke Canal which is a water Page Nos.2/5 body. Thus, the notices came to be issued to the encroachers for removal by following procedures.

3. The learned counsel for the petitioners would submit that a portion

of the property is not a water body and therefore, the Assistant Engineer, Public Works Department, Water Resources Organization, is not the competent authority.

4. If at all the petitioners possess any such documents to establish

that the subject property is not a water body, they are at liberty to submit those documents along with his explanation, if any, defending their case. However, no writ against a show cause notice is entertainable and the authorities must be provided with an opportunity to adjudicate the issues on merits by affording an opportunity to the alleged encroachers. This being the procedure, petitioners are at liberty to submit their respective explanation along with documents, if any, to the respondents and on receipt of the same, the competent authority shall consider the representation, take a final decision and pass appropriate orders and thereafter, proceed with the enforcement action in respect of the water body. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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5. With the above direction, these Writ Petitions stand dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs. (S.M.S.,J.) (K.S.,J.) 27.03.2026 Index : Yes Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk To

1. The District Collector Chengalpattu Chengalpattu District.
2. The Tahsildar Pallavaram Taluk Office Pallavaram, Chennai.
3. The Assistant Engineer, PWD Irrigation Section, Water Resource Department Padappai - 601 301. Page Nos.4/5 S. M. SUBRAMANIAM, J., and K. SURENDER, J., mk 27.03.2026 Page Nos.5/5

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