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WP No. 20372 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K.SURENDER

WP No. 20372 of 2024

1. V.Selvi
2. V.Devakumar
3. V.Piriyakumari

..Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep By The Secretary to Government
Home Department, Secretariat,
Fort St. George
Chennai 600 009
2. The Secretary to Government
Revenue Department Secretariat Fort St
George Chennai 600 009
3. The Secretary to Government
Water Management and Channel Irrigation
Department, Secretariat, Fort St George
Chennai 600 009
4. The District Collector
Kancheepuram District, Kancheepuram
5. The Commissioner Of Police
Tambaram Police Commissionerate
Sholinganallur Perumbakkam Salai,
Sholinganallur, Chennai 600 119
6. The District Revenue Officer
Kancheepuram District,
Kancheepuram Collectorate Building,
Kancheepuram



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7. The Revenue Divisional Officer
Sriperumbudur
Kancheepuram District 602 105
8. The Tahsildar
Kundrathur Taluk
Kancheepuram District 600 069
9. The Inspector Of Police
T-5 Kundrathur Police Station
Chennai 600 069
10. The Sub Inspector Of Police
T-5 Kundrathur Police Station
Chennai 600 069
11. Velmurugan
Village Administrative Officer
Thandalam Village, Kundrathur Taluk
Kancheepuram District 600 122
12. Arasu
S/o Kannaiyan
President Thandalam Panchayat
Thandalam Village, Kundrathur Taluk
Kancheepuram District 600 122
13. Sekar
S/o Kannaiyan Mariamman Koil Street,
Thandalam Panchayat Thandalam Village,
Kundrathur Taluk
Kancheepuram District 600 122
14. Chief Engineer
Water Resources Organisation,
Public Works Department,
Chepauk, Chennai – 600 005
15. The Assistant Engineer,
Reservoir Section,
Chembarambakkam,
Kancheepuram District
[R14 and 15 are suo motu impleaded as
respondents vide order dated 24.04.2026]



..Respondent(s)

Writ Petition has been filed under Article 226 of the Constitution of India issuing writ of mandamus directing removal of all encroachments on the channel emanating from Chembarambakkam lake and passing through No 61-Malaiyambakkam village, No 65-Kollaichery village, No 87-Muntram Kattai Village, No 83- Thandalam Village, No 81-Tharapakkam village and converging in the Adyar River at Manimedu in Tharapakkam village and direct initiation of action against the encroachers and the colluding officials. Further, direct the 5th respondent to enquire into the allegations against respondents 9, 10 and other officials based upon the representation dated 30.11.2023 submitted by petitioners 2 and 3.

For Petitioner(s): Mrs.V.S.Manimegalai

For Respondent(s): Mr.T.Arunkumar
Additional Government Pleader for R1-4, 6-8, 14&15
Mr.M.Babu Muthu Meeran,
Additional Public Prosecutor for R5,9&10
R11-Not ready in notice

ORDER

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

Writ of mandamus has been instituted directing removal of all encroachments on the water channel emanating from Chembarambakkam Lake and passing through No 61-Malaiyambakkam Village, No 65-Kollaichery Village, No.87-Muntram Kattai Village, No.83-Thandalam Village, No 81-Tharapakkam Village and converging in the Adyar River at Manimedu in Tharapakkam Village and direct initiation of action against the encroachers and the colluding officials. The second relief sought for in the writ petition is to direct the Commissioner of Police Tambaram to enquire into the allegations

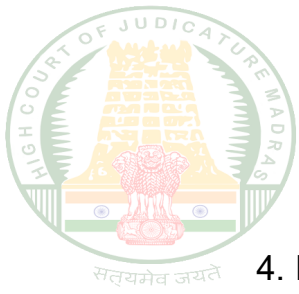


against respondents 9, 10 and other officials based upon the representation submitted by petitioners 2 and 3 on 30.11.2023.

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2. Petitioners, as a family are residing in Mariamman Koil Street, Thandalam Village, Kundrathur Taluk, Kancheepuram District. Petitioners have given a complaint to the competent authority for removal of encroachment from water body on 28.06.2023. Since complaint was given for removal of encroachment in a water body, few encroachers have taken personal vengeance against the family members of the petitioners. On 26.10.2023, when 2nd and 3rd petitioners were proceeding to Vel's University in a scooter, they were intercepted and manhandled by Venu, S/o.Seethapathi, Wilson, S/o.Venu, Murugan, S/o.Seethapathy, their relatives Gowthaman and Anu, W/o.Venu, at the instigation of the Village Administrative Officer, Thandalam Village Panchayat and K.Arasu/President, Thandalam Village Panchayat as well as Bakyalakshmi, W/o.Thangam, Ward member. Citing the names of these persons who have manhandled the 2nd petitioner (brother of the 3rd petitioner) and 3rd petitioner (college student), a police complaint was lodged.

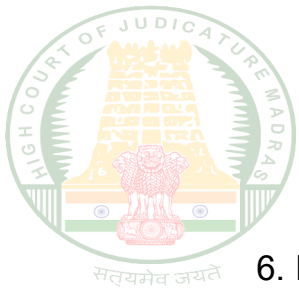
3. The complaint given by the petitioners, was not investigated properly. Contrarily, the alleged accused persons were called, and concerned police authority insisted the petitioners' family to withdraw the complaint, failing which, they will face serious consequences.



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4. In Paragraph No.18 of the writ affidavit, it is stated that 3rd petitioner is a law student. To terrorise the family members of the 2nd and 3rd petitioners, they were attacked. A representation dated 30.11.2023 was addressed to the Commissioner of Police, disclosing the commission of offences, including the offence against women affecting the modesty of women under Section 354 IPC (under Section 74 of BNS). It appears that Sub-Inspector of Police made an attempt to close the case, and there is no further action at the end of the Commissioner of Police. It is further stated that Village Administrative Officer, President, Thandalam Village Panchayat and Inspector of Police have visited the property of the petitioners' family, removed coconut trees and diverted the water channels into the property of the petitioners. It is submitted that Village Administrative Officer, Thandalam Village Panchayat allegedly insisted other persons to commit the offence. Police authorities and Panchayat Authorities have colluded with the land grabbers, and acted not only in violation of the law, but also made an attempt to protect the alleged land grabbers and encroachers in water body.

5. Learned counsel for the petitioners would submit that all these land grabbers have encroached upon the water body, and instead of removing the encroachments from the water body, officials colluded and protected the encroachers in the water body.



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6. Pertinently, one Mrs.M.Malarvizhi, Tahsildar, Kundrathur addressed a letter to the learned Government Pleader vide Na.Ka.No.2033/2024/Aa1, dated 25.09.2024 stating that survey will be conducted in respect of the encroachments in water body, and all appropriate actions will be taken for removal of the same. But even after two years, no progress has been made.

7. The very same Tahsildar, has addressed another letter on 08.10.2024 in Rc.No.23033/2024/B1, on similar line to the learned Special Government Pleader stating that appropriate action has been initiated for removal of encroachments through Public Works (Water Resources) department as per the provision under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

8. Allegation made out by the petitioners are undoubtedly serious in nature. Law Enforcing Authority, Revenue Authorities and Public Works Department Authorities, who are expected to protect the water body and Government land, are allegedly colluding with the land encroachers/land grabbers and attempting to close down the criminal complaint given by the petitioners, and further failed to initiate all appropriate actions under law.

9. In pursuant to the order of this Court dated 24.04.2026, Mr.N.Giri, the

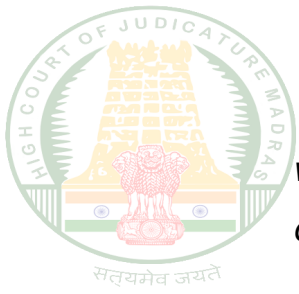


Assistant Commissioner of Police, Pallavaram Range, Tambaram
Commissionerate, Mr.C.Vasudevan, Tahsildar, Kundrathur and

Mr.B.Dhanasekar, Assistant Engineer, Water Resources Department,
Irrigation Section, Chembarambakkam, Kundrathur are present before this
Court along with the files.

10. The learned Government Pleader representing the Assistant Engineer and Tahsildar would fairly submit that the actions initiated by the authorities during the relevant point of time are insufficient. However, pursuant to the orders of this Court swift actions are initiated for removal of encroachments in water bodies. The Assistant Engineer, Reservoir Section, Chembarambakkam, Kanchipuram District filed an affidavit stating that all the encroachments and unauthorized constructions in water bodies will be removed by invoking the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, already Form III - Eviction notice has been issued to the encroachers and therefore, the encroachments will be removed after complying with the procedure as contemplated under the Act within a short span of time. Paragraphs 7 to 9 of the affidavit filed by the Assistant Engineer, Reservoir Section, Chembarambakkam read as follows:

“7. It is respectfully submitted that upon receiving the objection from the encroachers, the water channel was resurveyed and confirm the encroachment as in Form I (Survey report and Encroachers list) by the Revenue Authorities. Then, Notice under Form III (Final Eviction Order) was issued to the encroachers with police protection to remove the encroachments



within 21 days under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 on 27.11.2025.

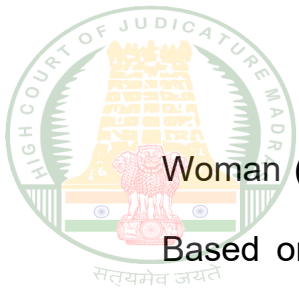
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8) It is respectfully submitted that since these encroachments were the portion of residential houses of enchroachers patta land. The enchroachers were insisted to remove the encroachment portion on their own by cutting without damaging the other part of house in patta land. So far they did not remove the encroachments. The encroachment part in the water channel will be removed once the police protection is received.

9) It is respectfully submitted that the Police protection were requested to remove the encroachments. Once the Police protection received the encroachments will be removed.”

11. As far as the criminal cases registered are concerned, the Assistant Commissioner of Police, Pallavaram Range, Tambaram Commissionerate, filed a report stating that reinvestigation was undertaken by the police authorities and a revised First Information Report has been registered based on the investigation conducted by the police authorities and statements were recorded. Thus, the Assistant Commissioner of Police would submit that further investigation and filing of final report before the jurisdictional Court will be done within a short period.

12. In this regard, the learned Additional Public Prosecutor would submit that the final report will be filed before the jurisdictional Court within a period of three months from today. The complaint given by the petitioner was registered in Crime No.183 of 2026 under Section 147, 341, 294(b), 323, 354, 506(i) IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of



Woman (Amendment) Act, 2002 on the file of T-5 Kundrathur Police Station.

Based on the complaint of one Venu, a case in counter was registered in

Crime No.185 of 2026 for the offences under Section 341, 294(b), 323, 355 and 506(i) IPC.

13. Since the investigation is already in progress in both the cases, the learned Additional Public Prosecutor would submit that within a period of three months time, final report will be filed and appropriate action will be initiated in the manner known to law.

14. The pleadings made between the parties would show that the revenue authorities and the authorities of the Water Resources Organization have not acted in accordance with law for removal of encroachments in water bodies. The inaction, lapses and dereliction of duty on the part of these authorities resulted in filing of criminal cases, both by the petitioner and by the other party. The lapses, dereliction of duty and negligence on the part of the authorities are to be viewed seriously since the water bodies and water resources are to be protected as per the judgments of the Hon'ble Supreme Court of India and the High Court, more specifically in the case of ***T.K.Shanmugam Vs. State of Tamil Nadu*** reported in **2015 (5) LW 397**.

15. The non-preservation of canal and water body in urban areas are resulting in flooding during rainy season and causing untold agony to the citizens residing in urban areas. In view of the fact that authorities have not removed encroachments in water bodies despite the complaint and action taken, which resulted in registration of not only criminal cases but also filing of



the present writ petition. Thus, the District Collector, Kancheepuram District, Kancheepuram and the Chief Engineer, Water Resources Department, Public Works Department, Chepauk, Chennai are directed to conduct a detailed enquiry into the allegations of dereliction of duty, lapses and negligence on the part of the authorities in dealing with encroachments in water body and initiate appropriate Departmental Disciplinary proceedings under the Service Rules applicable. Actions are to be initiated against all who are responsible for such lapses. Such exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order. Since the Assistant Engineer filed the affidavit that encroachments in water bodies will be removed, the Assistant Engineer as well as the Chief Engineer, Water Resources Organization, Chennai are directed to remove the encroachments in the water body and restore the water body to its original position within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
28.04.2026

Index: No
Speaking order
Neutral Citation: No
gpa



To

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Rep By The Secretary To Government Home
Department Secretariat, Fort St George
Chennai 600 009

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Revenue Department Secretariat Fort St
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1. 10. The Sub Inspector Of Police
T-5 Kundrathur Polcie Station
Chenani 600 069



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11. Velmurugan
Village Administrative Officer Thandalam
Vilalge Kundrathur Taluk Kancheepuram
District 600 122

12. The Chief Engineer, Water Resources
Organisation, Public Works Department,
Chepauk, Chennai – 600 005

13. The Assistant Engineer, Reservoir
Section, Chembarambakkam, Kanchipuram
District



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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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