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W.P.(MD)NO.806 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.806 of 2021 AND
W.M.P.(MD)Nos.671 & 672 of 2021

Kumar

... Petitioner

Vs.

1. The District Collector,
Pudukkottai, Pudukkottai District.

2. The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3. The Tahsildar,
Ponnamaravathy,
Pudukkottai District.

4. The Block Development Officer,
Ponnamaravathy,
Pudukkottai District.

5. Ramathilagam

6. The President,
R.Palakuruchi Village Panchayath,
Ponnamaravathy,
Pudukkottai District,
Pudukkottai District.

(R-6 is impleaded vide order dated 27.07.2023
in W.M.P.(MD)No.10778 of 2023)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to remove the encroachments and protect the Water catchments and its input canals in the irrigation and drinking water ponds namely Chinnakaruppan Endhal and Thatchan Oorani situated in Survey No.74, 75 and 78 and its extent of 1.86.00 hectrs., 0.48.0 hectrs, and 1.46.5 hectrs respectively in R.Palakuruchi village, Ponnamaravathy, Pudukottai Distirct based on the peace committee findings dated 16.09.2020 headed by the 3rd respondent stipulated time limit as fixed by this Court.

For Petitioner : Mr.S.Muthalraj

For R-1 to R-4 : Mr.M.Siddharthan,
Additional Government Pleader.

For R-5 : Mr.R.J.Karthick

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner wants the encroachments committed by the fifth respondent in respect of the petition-mentioned survey numbers to be removed forthwith.

3. When the matter was taken up for hearing, the learned Additional Government Pleader made available the relevant revenue record. It is seen therefrom that survey



Nos.74 and 75/1 of R.Palakuruchi Village, Ponnamaravathy Taluk have been classified as patta lands. Therefore, no direction can be issued in respect of these two survey numbers. Survey Nos.75/2 and 78 have been classified as endhal (water-body). Therefore, the fifth respondent cannot have any claim over the said two survey numbers.

4. The respondent local body is directed to take over the same forthwith. It appears that some Mango trees and Coconut trees are grown in the said survey numbers. They shall be vested with the local body. We reiterate that neither the fifth respondent Ramathilagam nor any other private individual can have any right whatsoever in survey Nos.75/2 and 78. The local body shall endeavour to restore their original character as that of water-body without cutting the existing trees or planting new ones. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
3rd AUGUST 2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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Pudukkottai, Pudukkottai District.
2. The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
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AND

B.PUGALENDHI, J.

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