



W.P(MD)No.9129 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9129 of 2023

A.Iruvakkal

... Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by its Principal Secretary
(Revenue and Disaster Management Department),
Secretariat,
Chennai.
- 2.The Additional Chief Secretary to Government,
(Revenue and Disaster Management Department) and
(Land Survey and Land Tax Department),
Chepauk,
Chennai.
- 3.The District Collector
Virudhunagar District.
- 4.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.



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5.The Tahsildhar (Revenue)
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the fourth respondent dated 27.07.2022 in proceedings O.Mu.A4/7506/2022 and quash the same and direct the respondents to make necessary correction in Town survey land register (Including Online) in respect of petitioner's residential house property admeasuring 0.0032.5 out of total extent in 0.266.0 Sq.mts in Town Survey No.27, Block 23, Ward A, in Chinnapuliyampatti Village, Aruppukottai Town, Virudhunagar District, by changing into Natham (residential area) in petitioner's name instead of "Government Odai Poramboke".

For Petitioner : Mr.C.Murugavel

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader



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ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order of the fourth respondent / Revenue Divisional Officer, Aruppukottai, Virudhunagar District, dated 27.07.2022 in proceedings No.O.Mu.A4/7506/2022 and direct the respondents to make necessary corrections in Town Survey Land Register (including online) with respect to the residential house property of the petitioner measuring 0.0032.5 out of a total extent 0.266.0 Sq. mts. in Town Survey No.27, Block No.23, Ward-A, Chinnapuliyampatti Village, Aruppukottai Town, Virudhunagar District, by changing into natham house property instead of 'Government Odai Poramboke'.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is residing in the said house and also there are 27 other family members residing there. A representation had been given by the petitioner on 19.05.2022 to the fifth respondent/Town Surveyor of Aruppukottai Town, who claimed that the classification of



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the land which was Odai poramboke can be changed to natham land and therefore, the residence of the petitioner can be treated as natham poramboke.

3. The learned counsel for the petitioner placed reliance on an office note placed by the fifth respondent stating that the entry Odai poramboke can be converted as Arasu Poramboke. This was not considered by the fourth respondent / Revenue Divisional Officer and very specifically he had rejected it. He had stated that it is not possible to grant patta and it is not possible to change the records in the revenue registers of the lands from Odai poramboke into natham.

4. It is common knowledge that the Courts have been quite vigilant in ensuring that water bodies are not converted into residential plots or put to commercial use or to any use at all. The petitioner and others have encroached into the water body and have constructed houses. They cannot place reliance on an earlier recommendation of the year 2000 in this particular case. Subsequently, the Courts have passed



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several orders wherein, they have placed restrained on such reclassification of Odai poramboke land as natham land and to grant patta to anybody or to the convert land for commercial purposes.

5. The writ petition has to fail and the Writ Petition stands dismissed. No costs.

20.04.2023

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

RM



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C.V.KARTHIKEYAN, J.

RM

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