



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 15.10.2024

DELIVERED ON: 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2897 of 2024

Godrej Agrovat Limited
Represented by its Authorized Representative,
Mr.Upendra R Pathak

.. Appellants

Vs

1.The District Collector,
Ariyalur District, Ariyalur.

2.The Revenue Divisional Officer,
Ariyalur.

3.The Tahsildar,
Ariyalur Taluk, Ariyalur.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 01.02.2024 passed in W.P. No.8532 of 2019.



For Appellant : Mr.Sathish Parasaran,
Senior Counsel for
Mr.P.J.Rishikesh

For Respondents : Mr.A.Selvendran,
Special Government Pleader.

J U D G M E N T

(Judgment of the Court was made by MR.JUSTICE P.B.BALAJI, J.)

The Writ Petitioner, aggrieved by dismissal of W.P No.8532 of 2019 is the appellant herein.

2. The Writ Petitioner who is the appellant herein had filed the Writ Petition seeking the relief of Writ of Mandamus, directing the respondents to incorporate the transfer of ownership details relating to S.No.374 and 383/1 of Varanavasi Village, Ariyalur Taluk and District in the name of the petitioner in revenue records and further delete the classification of S.No.374 and 383/1 as Eri and Meichaltharisu in the revenue records.

3. The case of the Writ Petitioner is that in and by G.O.Ms.No.390, Agricultural Department dated 24.12.2001, M/s. Cauvery Palm Oil Limited



was selected as the sole beneficiary for setting up a demonstration unit of oil palm processing mill with a 2.5 tonne per hour capacity, in an extent of 3.40.5 hectares of land, in survey No. 374 and 383/1 in Varanavasi Village at Ariyalur Taluk.

4. Further, according to the writ petitioner, the total land to an extent of 3.40.5 hectares stood transferred to the said M/s.Cauvery Palm Oil Limited with certain conditions and the District Collector, Perambalur had also transferred the land to the said Company and effected mutation of records in the 'A' Register and field map. The petitioner was also issued patta in and by Order dated 05.09.2002. It is the case of the petitioner that in and by Order of the Bombay High Court in Company Scheme Petition No.41 of 2012, the said M/s.Cauvery Palm Oil Limited stood amalgamated with the writ petitioner-Godrej Agrovet Limited and based on the said amalgamation order, a request was made to the District Collector, Ariyalur to issue the Land Ownership Certificate in the name to the Writ Petitioner. However, the District Collector referring to the letter dated 17.08.2012 issued by the Tahsildar, Ariyalur Taluk, informed the petitioner that request of mutation of records cannot be effected.



5. The grievance of the appellant/Writ Petitioner is that when revenue records have already been mutated in the name of M/s. Cauvery Palm Oil Limited, it is only a question of recognizing the petitioner's right, that to post the amalgamation order passed by the Bombay High Court and the respondents have erroneously refused the said formal request for recording the name of the revision petitioner.

6. The learned Senior Counsel Mr.Sathish Parasaran, appearing for Mr.P.J.Rishikesh, the learned counsel appearing for the appellant would submit that the Central Government as well as the State Government have identified the subject lands and after applying their mind have permitted the petitioner to put up a Factory in the said lands, for setting up a demonstration unit of oil processing mill. He would therefore submit that the refusal of the Authorities to record the name of the Writ Petitioner as the owner of the subject lands was wholly unjustified and unsustainable and even the Writ Court has not appreciated the limited request of the Writ Petitioner while proceeding to dismiss the Writ Petition.

7. The learned Senior Counsel would further submit that, when the lands



had been allotted to the M/s.Cauvery Palm Oil Limited and the land costs have also been paid and the Government itself granted permission to the Writ Petitioner to enter upon the lands and put up construction, it was wholly unsustainable to reject the request for recording the name of the petitioner as the owner of the subject lands in the revenue records. He would pray for the Writ Appeal being allowed.

8. Per contra, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents would submit that, admittedly, the lands are water bodies and Maichal Tharai in the revenue records. Even the Government cannot allot the said lands for other purposes and therefore, the District Collector had rightly refused the request of the Writ Petitioner, basing his decision on the letter of the Tahsildar dated 17.08.2012. Therefore, the learned Special Government Pleader prays for dismissal of the Writ Appeal.

9. We have considered the submissions advanced by the learned Senior Counsel for the appellant and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents. We have also gone through the records and orders of the Writ Court.



10. Though the subject lands of an extent of 3.40.5 hectares stood transferred to M/s.Cauvery Palm Oil Limited which subsequently stood amalgamated with the Writ Petitioner, who is the appellant herein, the lands measuring 2.13.5 hectares in S.No.374 are classified as wetlands and lands measuring 1.27.0 hectares in S.No.383/1, classified as grasslands (Maichal Tharai). The Government had no right to assign the lands classified as water bodies to any persons, much less the petitioner. However, insofar as lands in S.No.383/1, which was classified only as grasslands (Maichal tharai), the Government could have taken a conscious decision while applying various factors to allot the same for the purposes of setting up a demonstration unit of an oil processing mill. The Writ Court had rightly held that the water bodies cannot be reclassified even by the Government and has also mentioned that the Constitution Courts have repeatedly reiterated that the water bodies are to be protected in the interest of public. The classification of water body cannot be meddled with and rightly, the Tahsildar had canceled the Patta erroneously issued by the RDO. The first respondent has also rightly rejected the request to incorporate the transfer of ownership pertaining to the lands classified as water bodies under S.No.374.



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11. In the case of *L.Krishnan Vs. State of Tamil Nadu represented by its Secretary, Department of Revenue (Land Development) and others*, reported in 2005-3-L.W.313, the Division Bench of this Court directed the authority to take necessary legal steps to remove all encroachments over Odai Poramboke besides also directing the State Government to identify all natural water resources in different parts of the State and wherever illegal encroachments are found, initiate appropriate steps in accordance with relevant provisions of law for restoring such natural water storage resources which have been classified as such in the revenue records to its original position to ensure that the suffering of the people of the State due to water shortage is ameliorated. Applying the said ratio, to the facts of the present case, we do not see any grounds to interfere with the findings of the Writ Court.

12. However, with regard to lands classified as Maichal Tharai i.e., the grasslands in S.No.383/1, there is no such prohibition and for valid reasons to be recorded, the Government is always entitled to allot the said lands or even reclassify the same for other purposes. Therefore, insofar as S.No.383/1, we do



not find any illegality or infirmity in the proceedings allotting the said lands to M/s.Cauvery Palm Oil Limited which subsequently stood amalgamated with the appellant Company herein. However, the Writ Court while discussing impermissibility of reclassification of water bodies, has also included S.No.383/1 and dismissed the Writ Petition in toto. Insofar as the grasslands (Maichal Tharai) is concerned, the appellant is entitled to the relief as prayed for by them and therefore, in this regard we are setting aside the order of the Writ Court in part, while confirming the order insofar as the water body viz., Eri poromboke in S.No.374, to extent of 2.13.5 hectares is concerned.

13. In fine, Writ Appeal is partly allowed in the following manner,

(i) The order of the Writ Court is confirmed insofar as S.No.374 classified as Eri poromboke to the extent of 2.13.5 hectares;

(ii) The order passed by the Writ Court insofar as Survey No.383/1 classified as Maichal Tharaisu is set aside and consequently, the impugned order of the 1st respondent/ District Collector, dated 28.08.2012 is also set aside and the appellant is granted liberty to make a fresh representation to the Tahsildar/3rd respondent for issuance of Patta in respect of survey No.383/1 to the appellant/writ petitioner and to mutate its name in the



revenue records.

(iii) On such representation being made, the respondents shall consider the same in the light of earlier Government Orders and also decisions taken by the Government to allot the lands in S.No.383/1 and consequently consider the Application for issuance of patta for recording the transfer made in name of the petitioner/appellant Company in the revenue records insofar as survey No.383/1 is concerned. It is needless to state that in the event of there being any non-compliance or violation of the revenue Standing Orders, it shall be open to the authorities to take necessary action in that regard.

14. In fine, the Writ Appeal is partly allowed. There shall be no order as to costs.

(D.K.K.J.) (P.B.B.J.,)

19.11.2024

Internet: Yes/No

Index : Yes/No

Speaking Order/Non Speaking Order

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D. KRISHNAKUMAR. J.,
and
P.B.BALAJI, J.

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To

- 1.The District Collector,
Ariyalur District, Ariyalur.
- 2.The Revenue Divisional Officer,
Ariyalur.
- 3.The Tahsildar,
Ariyalur Taluk, Ariyalur.

Pre-delivery Judgment in
W.A.No.2897 of 2024

19.11.2024