

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27081 of 2015
and
M.P.No.1 of 2015

A.Madeswaran

... Petitioner

-Vs-

1. The State of Tamilnadu,
Rep. by Secretary to Government,
Revenue Department, Fort St. George,
Chennai.
2. The District Collector,
O/o.The District Collector,
Namakkal District.
3. The Commissioner,
Namakkal Municipality, Namakkal.
4. The Revenue Divisional Officer,
Namakkal.
5. The Tahsildar,
Namakkal.
6. Tipu Sultan Majjid Muslim Sunnath
Jamath Committee, Rep. by its
President, A.S.Pettai, Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to take action to restore the well in T.S.No.24 and the water body in T.S.No.16 of Namakkal Town by removing the encroachments made by the 6th respondent.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan,
Addl. Govt. Pleader for RR 1, 2, 4 & 5

: Mr.M.Rajamathivanan for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Mr.S.T.S.Moorthy, learned Government Pleader accepts notice for respondent nos.1, 2, 4 and 5 and Mr.M.Rajamathivanan, learned counsel accepts notice for respondent no.3.

2.The petitioner seeks the correction of the revenue entry through this Public Interest Litigation claiming that he is a resident of A.S.Pettai, Namakkal Town, under the Namakkal Municipality. It is the say of the petitioner that the locality has more than 2,000 houses and that he has a distinct re-collection that a pond existed to an extent of 15,000 sq.ft. and the water from the pond was used for purposes other than drinking water. Near the pond, there is stated to have been a well in existence, the water from where was used for local purposes of drinking and other basic amenities. On the basis of the 'A' Register, it is claimed that the area was defined as a well with catchment area.

3.The petitioner claims that he suddenly saw some construction being made by the sixth respondent and on seeking information, there was absence of full disclosure. All that the petitioner was informed was that the entry in the 'A' Register had been changed, but it is not known as to the material on the basis of which the 'A' Register was changed nor are the authorities willing to disclose the same as it pertains to a third party. This rectification is stated to have been carried out in the year 2003.

4.The matter being one of seeking correction of a revenue entry, we are not inclined to entertain the Public Interest Litigation. It is not as if the petitioner would be remediless. The petitioner can move the revenue authorities through an appeal seeking correction of the revenue entry and that appeal would be decided naturally after notice to all concerned and on the basis of the material produced by

both the sides. The revenue authorities would endeavour to decide the appeal expeditiously. We make it clear that if any construction is made in the meantime and the revenue entry which is stated to have been corrected in 2003 is found to be done mistakenly or by error, such construction would not create any special equities in favour of the sixth respondent.

5.Writ Petition is, accordingly, dismissed with the aforesaid liberty. No costs. Consequently, M.P.No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Government
of Tamilnadu, Revenue Dept.,
Fort St. George, Chennai.
2. The District Collector,
O/o.The District Collector,
Namakkal District.
3. The Commissioner,
Namakkal Municipality, Namakkal.
4. The Revenue Divisional Officer,
Namakkal.
5. The Tahsildar,
Namakkal.

+1cc to Mr.Mr.M.Rajamathivanan , Advocate, S.R.No.46234
+1cc to the Government Pleader, S.R.No.46448

GGK(CO)
CA(21/09/2015)

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