



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.07.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P (MD) .No.9746 of 2015

Murugan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Taluk Office,
Thirupuvanm,
Sivagangai District.

... Respondents

This Writ Petition has been filed praying for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made in O.Mu.A4-1669-2015 dated 22.05.2015 on the file of the second respondent and to quash the same as illegal and arbitrary and consequently direct the respondents herein to issue patta to the petitioner's house bearing D.No.2/138A comprised in S.No.176/4 of Keeladi Village, Thiruppuvanam Taluk by taking into consideration of all Government orders in this regard.

For petitioner : Mr.M.Thirunavukkarasu

For respondents : Mr.S.Chandrasekar
Govt.Advocate, takes notice

ORDER

The prayer in this Writ Petition is for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made in O.Mu.A4-1669-2015 dated 22.05.2015 on the file of the second respondent and to quash the same as illegal and arbitrary and consequently direct the respondents herein to issue patta to the petitioner's house bearing D.No.2/138A comprised in S.No.176/4 of Keeladi Village, Thiruppuvanam Taluk by taking into consideration of all Government orders in this regard.

2. Mr.S.Chandrasekar, the learned Govt.Advocate, took notice on 17.06.2015.

3. The main thrust of the argument of the learned Counsel for the petitioner in this Writ Petition is that though the land in question was classified as a waterbody, (Kanmoi) in usage, it is not so. In the said land, there are atleast 30 houses available. The



petitioner has been living in the land in question for more than four decades, for which, he now seeks patta from the revenue authorities. In this connection, though the petitioner has made a detailed representation, the order impugned is passed without browsing through the Government orders applicable from time to time, and virtually, negated the claim of the petitioner. Hence, the petitioner is before this Court for the relief stated supra.

4. *Per contra*, upon notice, the learned Govt. Advocate would contend that the orders have been passed by the authority concerned in tune with the direction of the Division Bench of the Principal Seat, wherein the authorities therein were directed to take necessary action to protect the natural resources by all means and therefore, the order impugned shall be sustained in its entirety.

5. I have heard the submissions on either side and perused the materials available on record.

6. Though very many contentions raised on either side, I am of the view that the impugned order is liable to be set aside on the short ground that it does not reflect any Government order or the orders passed by this Court and therefore, it can be treated only as a non-speaking order. Hence, without going into the merits of the claim made by the petitioner in this Writ Petition, the order impugned stands set aside and the matter is remitted back to the authorities concerned to pass fresh orders by taking into account the Division Bench order of this Court as well as the relevant Government orders applicable to the case on hand. Such orders shall be passed within a period of two months from the date of receipt of a copy of this order

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

\\True copy\\

Sub Assistant Registrar

To

1. The District Collector, Sivagangai District, Sivagangai.
2. The Tahsildar, Taluk Office, Thirupuvanam, Sivagangai District.

+1cc to Mr. M. Thirunavukkarasu, Advocate Sr.No.37184
+1cc to The Special Government Pleader SR.No.37968

akm/27.07.15 /2p-5c/

W.P (MD) .No.9746 of 2015