



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application (MD) No.34 of 2016

in

W.P.(MD)No.15242 of 2014

L.Ravichandran

... Review Petitioner / Petitioner

-Vs.

- 1.The Principal Secretary,
Public Works Department,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District - 627 806.

4.V.Kaliappan

5.V.Periyannan

... Respondents/Respondents

Prayer : Review Application filed under Order 47, Rule 1 and 2 of Civil Procedure Code r/w Section 114 of Civil Procedure Code, praying to set aside the orders passed by the Hon'ble Judges in W.P.(MD)No.15242 of 2014 dated 10.08.2015 by allowing this Review Petition.

Prayer in WP(MD).15242/2014:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to remove the encroachments made in Pudukulam in survey No.349 of Kulasekarapati village, Tenkasi Taluk and restore the Pudukulam for the use of the farmers for their agricultural activities in the Kulasekarapatti village and also take action against the Government officials who granted patta for the individuals who are encroached the pudukulam.

For Appellant : Mr.Ananth C. Rajesh

For Respondents : Mr.N.S.Karthikeyan

1 to 3 Additional Government Pleader

R4 & R5 : Notice served.

ORDER

(Order of the Court was delivered
by S.VAIDYANATHAN, J.)

The petitioner has come forward with the above review
petition to review the order dated 10.08.2015 made in W.P.(MD)
No.15242 of 2014.



2. Heard both sides.

3. We find no error apparent on the face of the record to review the order. The petitioner drew the attention of this Court to a decision of this Court and that there cannot be any encroachment in the water bodies. This Court, while granting the relief in the Writ Petition, has restricted the relief with regard to the respondents 4 and 5 and also granted liberty to the petitioner to approach the authority with regard to the cancellation of patta if given erroneously or wantonly to the respondents 4 and 5. Since liberty has already been given and that there cannot be any encroachment in the water bodies as laid down by a Full Bench of this Court in the case of **T.K. Shanmugam v. State of Tamil Nadu** reported in **2015 (2) CWC 849**, while we are not agreeing to review the order as there is no error as stated supra, it is open to the petitioner to bring it to the attention of the authority concerned with regard to the encroachment and also illegality in the issuance of patta. If the petitioner brings any encroachment and illegality in issuance of patta to the notice of the authority concerned, it is needless to mention that the authority concerned should take appropriate action. We further make it clear that water bodies are public properties and if any person brings it to the attention of the authority concerned, the authority concerned has to initiate action as per law. The Review Petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Public Works Department,
St. George Fort,
Chennai - 600 009.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Tahsildar,
Tenkasi Taluk,
Tirunelveli District - 627 806.

+1CC TO MR. ANANTH C. RAJESH, ADVOCATE, SR.NO:83292

SRM

AES/MSK-TTN/2p/5c/23.01.2017

Order in
Review Application (MD) No.34 of 2016
23.12.2016