

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.26112 of 2017

R.Veerappan

.. Petitioner

Vs.

1 The District Collector
Salem District, Salem.

2 The Revenue Divisional Officer
Mettur Taluk, Mettur
Salem District.

3 The Tahsildhar
Omalur Taluk
Omalur, Salem District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus forbearing the respondents or their subordinates from granting house site patta to the individuals in a water course poramboke land comprised in Survey No.109/4B, 4C and 4D situate at Tholasampatti, T.Maramangalam, Omalur Taluk, Salem District.

सत्यमेव जयते

For Petitioner : Mr.C.Prabakaran

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader

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ORDER

(Order of the Court was made by M.Sundar,J.)

This is a public interest litigation.

2. Prayer in the writ petition is to forbear the respondents before us from issuing house site patta to individuals in Survey Nos.109/4B, 109/4C and 109/4D all in

Tholasampatti, T.Maramangalam, Omalur Taluk, Salem District.

3. It is the contention of the writ petitioner that the aforesaid survey numbers are water bodies and, therefore, patta should not be issued to individuals.

4. As a proposition, patta cannot be issued to individuals in lands that have been classified as water bodies and in the light of the obtaining legal position, there can be no two opinions on this.

5. Be that as it may, learned Additional Government Pleader, Ms.Vasudha Thiagarajan, accepts notice on behalf of the three official respondents before us.

6. The learned Additional Government Pleader fairly submits that with regard to Survey No.109/4B, the entire extent is a water body, no patta has been issued to anyone thus far and that no patta will be issued in future as the entire survey number has been classified as 'Odai' (Stream), which is a water body.

7. With regard to Survey No.109/4C, it is submitted that while a major extent has been classified as 'Tharisu', a part of it has been classified as 'Odai' (Stream), which is a water body.

8. With regard to Survey No.109/4D, on instructions, it is submitted that the entire extent of 64 Hectares comprised in Survey No.109/4D is classified as 'Tharisu' and, therefore, eligible persons can be granted patta at the discretion of the revenue authorities after following the due process of law.

9. We record the aforesaid submissions made by the learned Additional Government Pleader.

10. Therefore, there shall be directions as follows:

- i. With regard to Survey No.109/4B, in Tholasampatti, T.Maramangalam, Omalur Taluk, Salem District, which is admittedly a water body, no patta shall be issued to any individual.
- ii. With regard to Survey No.109/4C, if pattas are issued to individuals, the same shall be done after following due process of law and issued only to eligible individuals and such patta shall be issued only with regard to that portion of Survey No.109/4C, which has been classified as 'Thasiru'. In other words, that portion of Survey No.109/4C which is classified as water body will be one where no patta shall be issued.
- iii. With regard to Survey No.109/4D, as the entire extent of 64 Hectares has been

classified as 'Tharisu', if at all pattas are issued to individuals, the same shall be done after following due process of law and issued only to eligible individuals.

With the above directions, this writ petition is disposed of. No costs. Consequently, W.M.P.No.27737 of 2017 is closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To:

- 1 The District Collector
Salem District, Salem.
- 2 The Revenue Divisional Officer
Mettur Taluk, Mettur
Salem District.
- 3 The Tahsildhar
Omalur Taluk
Omalur, Salem District.

+1 CC to Mr.C.Prabakaran Advocate SR.NO.72030
+1 CC to Government Pleader SR.No.72345

W.P.No.26112 of 2017

VC (26/10/2017)

सत्यमेव जयते

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