



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2114 of 2017

M.Gopalakrishnan : Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort. St.George,
Chennai.

2.The Commissioner,
Land Administration,
Ezhilagam, Chepak,
Chennai-05.

3.The District Collector,
District Collectorate,
Madurai District.

4.The District Revenue Officer,
Office of the DRO,
Madurai District.

5.The Revenue Divisional Officer,
Office of the RDO, Usilampatti,
Madurai District.

6.The Tahsildar,
Office of the Tahsildar, Usilampatti,
Madurai District.

7.Mrs.Annammal : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take appropriate action to restore the water body known as "VANNAN OORANI" in old Survey No.223/3 and R.S.No.223/6A and 223/6B in Seemanuthu Village, Usilampatti Taluk, Madurai



For Petitioner

: Mr.Niranjan S.Kumar

For R.1 to R.6

: Mr.M.Govindan

Speciall Government Pleader

For Respondent No.7

: Mr.J.Anandhakumar

For M/s.AL.Ganthimathi

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O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

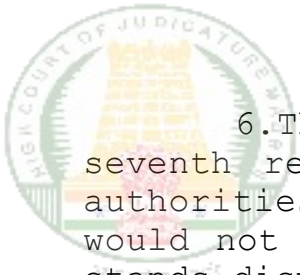
The writ petitioner seeks restoration of the water body known as 'Vannan Oorani' in old Survey No.223/3 and R.S.No.223/6A and 223/6B in Seemanuthu Village, Usilampatti Taluk, Madurai District.

2.He has given representations in this regard to the concerned authorities. The seventh respondent against whom the writ petitioner is directed has pointed out that the property in question is her patta land and that in earlier proceedings the land in question has been categorised only as patta land.

3.The learned Special Government Pleader placing reliance on the extract of the review record submitted that the property in question is the property of the seventh respondent. The seventh respondent has made specific allegations that the writ petition has been fixed at the instance of the unsuccessful plaintiff in O.S.No.733 of 1995, on the file of the District Munsif cum Magistrate Court, Usilampatti. The RDO, Usilampatti by an order, dated 02.03.2013 has sustained the claim of the seventh respondent herein. Certain proceedings of the year 1961 are in favour of the 7th respondent.

4.The learned counsel for the writ petitioner placed strong reliance on the order dated 06.08.2014 made in W.P.(MD).No.8286 of 2012 passed by the Division Bench of this Court. This Court held that in view of the amendments made in the various statutes relating to inam abolition the question on granting patta in favour of the private tanks would not arise. Patta, even if granted, is void.

5.However, we are not inclined to agree with the said contentions. In this case, the authorities found specifically that there was no oorani on ground at any point of time. The stand of the seventh respondent is also supported by the official respondents. Civil proceedings initiated against the seventh respondent ended in her favour. The specific allegation of the seventh respondent is that one Pandian, who is inimically disposed towards her, is setting up one person or another to file a case against her. One Duraisamy, filed W.P.(MD).No.1780 of 2005, in respect of the same cause of action and the said writ petition was dismissed on 20.04.2005. The Revenue Authorities have gone into the matter and the said proceedings also ended in favour of the second respondent.



6.The property in question is the private property of the seventh respondent and therefore, the question of directing the authorities to remove the encroachment and restore the water body would not arise. There are no merits in this writ petition. It stands dismissed. No costs.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary ,
State of Tamil Nadu,
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- 2.The Commissioner,
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- 3.The District Collector,
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Madurai District.
- 6.The Tahsildar,
Office of the Tahsildar, Usilampatti,
Madurai District.

+1cc to Special Government Pleader, SR.No. 78051
+1cc to M/S.AL.Ganthimathi, Advocate SR.No. 77733
+1cc to M/S.Niranjan S.Kumar, Advocate SR.No. 78231

Order made in
W.P. (MD) No.2114 of 2017
dated:08.09.2017

tsg