



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.17122 of 2013

and

M.P (MD) No.1 of 2013

V.Paraman

...Petitioner

-Vs-

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Kulithalai, Karur District.

3.The Tahsildar,
Kadavur Taluk at Tharagampatti,
Karur District.

4.Palanisamy,
President of Mavathur Village Panchayat
At Reddiapptti, Kadavur Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the proceedings dated 24.09.2013 in Na.Ka. Aa1/4755/2013 and quash the same and consequently directing the respondents herein to grant Patta in favour of the petitioner in respect of the lands comprised in Survey Nos.705 and 710, Mavathur Village, Kadavur Taluk, Karur District.

For Petitioner : MR.J.Parekhkumar

For Respondents : Mr.T.S.Mohammed Mohideen

Addl. Govt. Pleader for RR1 to 3

: Mr.J.Vellaisamy

For C.Joseph sathianesan for R4.

O R D E R

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

The writ petitioner questions the order dated 24.09.2013 issued by the first respondent herein. The writ petitioner also seeks consequential relief of granting patta in his favour for the lands comprised in Survey Nos.705 and 710, Mavathur Village, Kadavur Taluk, Karur District.

2.The first respondent passed the order dated 24.09.2013 pursuant to the direction given by this Court in W.P.(MD)No.462 of 2013 dated 09.01.2013. The first respondent has taken into account the statement of the petitioner, the petition given by the local leader of the farmers, demand of the general public as well as resolution of the Grama Sabha. It has been found that the writ petitioner is in occupation and enjoyment of lands classified as Pathai Puramboke and Vaari Puramboke. Since the path way as well as the water channel cannot be allowed to be encroached, the first respondent rightly ordered the removal of the said encroachments. The writ petitioner's request for grant of patta can obviously not be accepted. Patta can be given in respect of unobjectionable poramboke. But pathway and "Vaari" (water channel) cannot be allowed to be encroached. Encroachment of pathway and "Vari" are in the very nature of things, objectionable. Therefore, the first respondent gave a direction for cancellation of "B" Memo and for removal of the encroachment in question. No exception can be taken to the said direction issued to the first respondent.

3.We find no merit in this writ petition. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector, Karur District, Karur.
- 2.The Revenue Divisional Officer, Kulithalai, Karur District.
- 3.The Tahsildar, Kadavur Taluk at Tharagampatti, Karur District.

+One cc to The Special Government Pleader, SR.No.68378

skm/smi

RL/5C/2P/KP/SAR1/11/8/2017

W.P. (MD)No.17122 of 2013