



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **22.03.2017**

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
AND
THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

W.P.(MD) No.20726 of 2013 &
M.P.(MD).No.1 of 2013

R.Vijendiran

...Petitioner

Vs.

- 1.The District Collector,
Thanjavur District Collector Office,
Thanjavur Post & District.
- 2.The Assistant Engineer,
Public Works Department (WRO),
Town Section No.2 (Ka.Kaa),
Pattukottai,
Thanjavur District.
- 3.The Tahsildar,
Taluk Office,
Pattukottai,
Thanjavur District.
- 4.The Inspector of Police,
Athiramapattinam Police Station,
Athiramapattinam Post, Pattukottai Taluk,
Thanjavur District.

5.A.M.K.Ahamedu ...Respondents
(5th respondent impleaded vide order of this Court dated
22.03.2017 in M.P.(MD).No.1 of 2014)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order issued by the 2nd respondent in Letter No.K016/2013 dated 05.09.2013 and quash the same and consequently direct the 1st respondent to issue patta in favour of the petitioner's name for occupied house site in Survey No.334/1, Athiramapattinam Village, Pattukkottai Taluk, Thanjavur District as per G.O.Ms.No.854 Revenue Department, dated 30.05.2006 and consequential G.O.Ms.No.142 Revenue Department, dated 23.05.2013.



For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.V.Muruganantham for R1to R4
Additional Government Pleader
Mr.T.Lajapathi Roy for R5

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O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J**]

This writ petition has been filed to issue a Certiorarified Mandamus to call for the records in pursuant to the impugned order issued by the 2nd respondent in Letter No.K016/2013 dated 05.09.2013 and quash the same and consequently direct the 1st respondent to issue patta in favour of the petitioner's name for occupied house site in Survey No.334/1, Athiramapattinam Village, Pattukkottai Taluk, Thanjavur District as per G.O.Ms.No.854 Revenue Department, dated 30.12.2006 and consequential G.O.Ms.No.142 Revenue Department, dated 23.05.2013.

2. Admittedly, the land in question is a Government land and also a water channel. Therefore, there is no vested right for the petitioner to seek for patta. Even assuming that the petitioner was in occupation of the water channel, that itself would not confer any feasibility on the petitioner to squat on the Government property. Furthermore, as rightly pointed by the learned Additional Government Pleader, that the impugned proceedings is only a notice.

3. The learned counsel appearing for the fifth respondent has brought the attention of this Court to a Full Bench decision of this Court, in which one of us is a party (T.S.S.J.), reported in 2015 WLR 1029 (T.K.Shanmugam, Secretary, C.P.I.(M). v. The State of Tamil Nadu and another). In the said decision, the Full Bench has held that all Government Orders which granted one time regularization or otherwise on water bodies and water channels for residential purpose to be illegal and it was held that the action of the Government was in clear breach of the Public Trust Doctrine. Thus, no relief can be granted in this writ petition. The writ petition is misconceived and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Thanjavur District Collector Office,
Thanjavur Post & District.

2.The Assistant Engineer,
Public Works Department (WRO),
Town Section No.2 (Ka.Kaa),
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Taluk Office,
Pattukottai,
Thanjavur District.

4.The Inspector of Police,
Athiramapattinam Police Station,
Athiramapattinam Post, Pattukottai Taluk,
Thanjavur District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 16983
+1 cc to Mr.M.Saravana Kumar , Advocate in SR.No. 16695
+1 cc to Special Government Pleader, SR.No:17046

jikr

AE/KP/SAR2/12.04.2017/3P/8C

ORDER MADE IN
W.P.(MD) No.20726 of 2013 &
M.P.(MD) .No.1 of 2013
22.03.2017