

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.12.2018
CORAM :
THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.9684 of 2018 and
W.M.P.No.11590 of 2018

A.Narasimman .. Petitioner

vs.

1 The District Collector
Thiruvannamalai District, Thiruvannamalai.

2 The District Revenue Officer
Thiruvannamalai District, Thiruvannamalai.

3 The Tahsildar
Arani Taluk, Thiruvannamalai District.

4 The Block Development Officer
Arani Taluk, Thiruvannamalai District.

5 Shri Kannan

6 Shri Ramasamy

7 Shri Elumalai

8 Smt.Sulochana

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 to 4 herein to protect the existing water resource in survey Nos.371/4 & 371/5 for 100 acres of agricultural lands in Sirumur Village, Poosimallaikuppam, Maligai Nagar, Arani Taluk, presently attempted to be encroached by the respondents 5 to 8 herein by effacing the same.

For Petitioner : Mr.A.P.Soundararajan

For Respondents: Mr.S.Kamalesh Kannan

Govt. Advocate - for R1 to R3

Mr.G.Senthil Kumar

for Mr.M.Kathirvel

- for R5, R6, R7 & R8

No Appearance - for R4

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 4 to

protect the existing water resource in Survey Nos.371/4 and 371/5 for 100 acres of agricultural lands in Sirumur Village, Poosimallaikuppam, Maligai Nagar, Arani Taluk, presently attempted to be encroached by the respondents 5 to 8.

2. The petitioner has filed the above Writ Petition as a Public Interest Litigation contending that he is owning land in Survey No.465/4 in Sirumur Village, adjacent to Survey Nos.371/4 and 371/5, which is the subject matter of the Writ Petition.

3. It is the case of the petitioner that in the year 1972, the Government of Tamil Nadu for enabling a living resource to the refugees from Sri Lanka, allotted 2 acres of land, for each of the family, in Sirumur Village, Poosimallaikuppam, Maligai Nagar, Arani Taluk, Thiruvannamalai District, by assigning the land by way of patta. According to the petitioner, the lands allotted to the refugees were water bodies and therefore, the official respondents should be directed to protect the existing water resources in Survey Nos. 371/4 and 371/5.

4. Even according to the petitioner, his land in Survey No..465/4 is adjacent to Nos.371/4 and 371/5. When the Government of Tamil Nadu given the assignment to the beneficiaries as early as in the year 1972, the present Writ Petition filed by the petitioner to protect the water resources in Survey Nos. 371/4 and 371/5 cannot be accepted.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the State Government had issued patta in respect of Survey Nos. 371/4 and 371/5 in the year 1972 itself and the petitioner, who is the adjacent land owner, has kept quiet for all these years without raising any dispute.

6. When the lands were assigned in favour of the beneficiaries nearly about 50 years ago, the petitioner has questioned the same only now, which cannot be entertained. In these circumstances, we are not inclined to entertain the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Rj

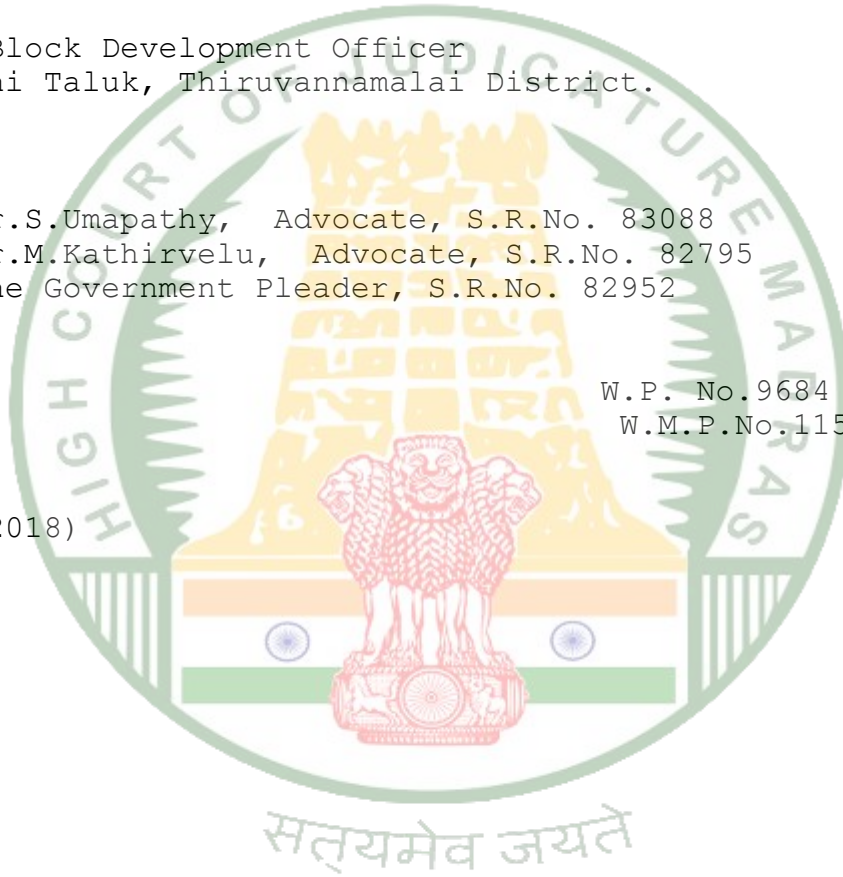
To

- 1 The District Collector
Thiruvannamalai District
Thiruvannamalai.
- 2 The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai.
- 3 The Tahsildar
Arani Taluk, Thiruvannamalai District.
- 4 The Block Development Officer
Arani Taluk, Thiruvannamalai District.

+1cc to Mr.S.Umapathy, Advocate, S.R.No. 83088
+3cc to Mr.M.Kathirvelu, Advocate, S.R.No. 82795
+1cc to the Government Pleader, S.R.No. 82952

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GJ(CO)
GN(18/12/2018)



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