



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

And

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P (MD) No.12372 of 2018

and

W.M.P. (MD) No.12177 of 2018

M.Ayyadurai

... Petitioner

vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to remove the small pond by name Pannai Kuttai and also to cancel the patta which was granted in Survey Nos.413 and 414/1, Karunkudi Village, Solanthur Circle, Thiruvadanai Taluk, Ramanathapuram District, in the water catchment area based on their representations, dated 19.12.2016 and 22.12.2017.

For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.R.Sethuraman

Special Government Pleader

ORDER

(Order of the Court was made by C.T.SELVAM, J.)

The Writ Petitioner seeks issuance of a Writ of Mandamus, directing the respondents to remove the small pond by name Pannai Kuttai and also to cancel the patta which was granted in Survey Nos.413 and 414/1, Karunkudi Village, Solanthur Circle, Thiruvadanai Taluk, Ramanathapuram District, in the water catchment area based on



their representations, dated 19.12.2016 and 22.12.2017.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The learned Special Government Pleader submits that pattas stand issued in respect of property in Survey Nos. 413 and 414/1 at Karunkudi Village, Solanthur Circle, Thiruvadanai Taluk, Ramanathapuram District, in favour of 22 persons, in the year 1993. In respect of Survey No. 413/8, to an extent of 0.74.5 Ares, patta stands in the name of one C. Ayyadurai and he has put up a small farm pond in keeping with Rules extant.

4. It is the contention of the petitioner that the said survey fields, earlier were classified as water catchment areas.

5. If that be so, it is for the petitioner to challenge the grant of patta by moving appropriate authority. Accordingly, this writ petition, filed as Public Interest Litigation, is dismissed, as not maintainable. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
3. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 76201
+ 1 CC TO Mr. C. VAKEESWARAN, ADVOCATE IN SR No. 75753
+ 1 CC TO Mr. B. SARAVANAN, ADVOCATE IN SR No. 75821

RJ2

TE/KAK/SAR-4 : 20/08/2018 : 2P/7C