

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM:

THE HON'BLE Ms. JUSTICE G.R.SWAMINATHAN

W.P.No.37771 of 2007
and M.P.No.1 of 2007

Mrs. Mohd.Rahamathumma

...Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai.
2. The Secretary to Govrnment,
PWD Department,
Secretariat,
Chennai.
3. The Special Commissioner and
Commissioner for Land Administration,
Ezhilagam, Chepauk, Chennai.
4. The Commissioner,
Corporation of Chennai,
Ribbon Buildings, Chennai.
5. The District Collector of Chennai,
Singaravelar Maligai,
Rajaji Salai, Chennai.
6. The Tahsildar,
Egmore - Nungambakkam Taluk,
Chennai.

...Respondents

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Prayer:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, or any other direction or any other order in the nature of writ and thereby calling for the record of the V respondent herein vide its proceedings in X6/26777/02 dated 05.04.2007 and to quash the same and further direct the respondents herein to grant lease for the land adjacent to

the Petitioner Patta Land in Survey No.55, Town Survey No.42 in Koyambedu Village, Egmore - Nungambakkam Taluk, Chennai District.

For petitioner : No appearance

For respondents: Mr.E.Neelakandan

ORDER

None appears for the writ petitioner. However, the respondents have filed a detailed counter affidavit. Therefore, this Court proposes to go through the materials on record and pass orders.

2. The petitioner seeks leasehold rights in respect of the property comprised in T.S.No.42 of Block No.55, measuring an extent of 1,200 sq.ft. Since, the petitioner's request was not considered, she filed a writ petition before this Court in W.P.No.35125 of 2003 for disposal of her representation. This Court, by an order dated 10.12.2003, called upon the District Collector, Chennai to dispose of the writ petitioner's representation. The fifth respondent herein, by an order dated 05.04.2007, rejected the writ petitioner's request. The same is under challenge in this writ petition.

3. The petitioner in her writ petition contended that fifth respondent did not bear in mind the circular dated 19.11.2004 issued by the Commissioner of Land Administration. She would further contend that she has been in continuous and uninterrupted possession of the subject land for more than 19 years.

4. It is not in dispute that the subject land has been classified as a 'Channel Poramboke' in the revenue records. It has been consistently held both by this Court as well as the Hon'ble Supreme Court that water bodies will have to be carefully maintained and preserved. They cannot be given away a largesse in favour of private individuals. When the property is a Channel Poramboke, the petitioner is not justified in asking the Official respondents to lease out the same in her favour.

5. In any event, no mandamus can be issued. Admittedly, the property in question belongs to the Government. When the Government has decided not to give away the same by way of lease to the writ petitioner, it is not for this Court to interfere with the said decision of the respondents. I find no merits in this case.

With these observations, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai.
2. The Secretary to Government,
PWD Department,
Secretariat,
Chennai.
3. The Special Commissioner and
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6. The Tahsildar,
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Chennai.

+1 cc to Government Pleader Sr.No. 35295

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A.SK(10/06/2019)