

IN THE HIGH COURT OF JUDICATURE AT MADRAS

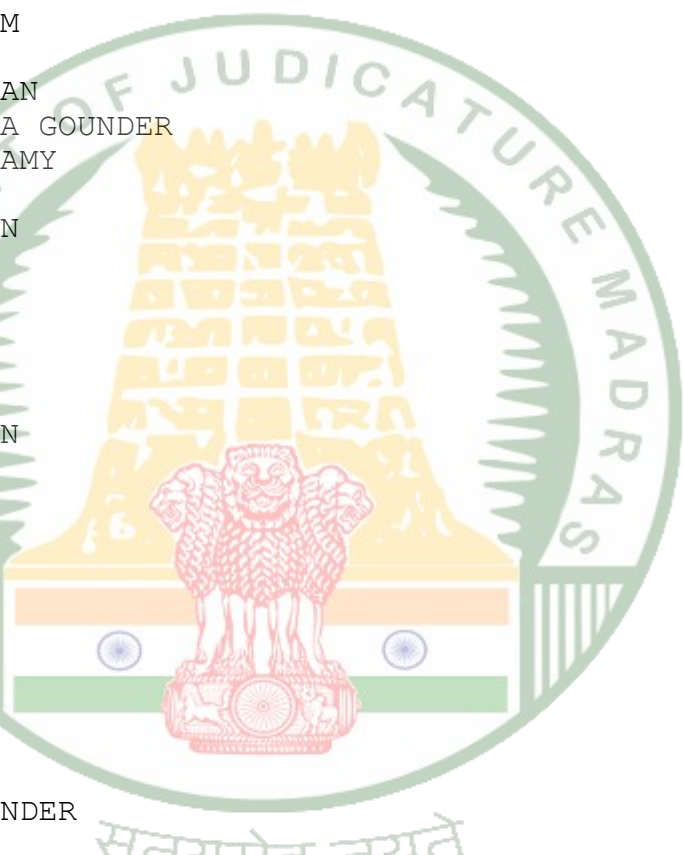
DATED : 24.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.3141 of 2008

1 K.RAMALINGAM
2 K.PONNUSAMY
3 K.PALANIAPPAN
4 K.THALIYANNA GOUNDER
5 K.NARAYANASAMY
6 K.BALAJI
7 P.RAJENDIRAN
8 S.MANIKKAM
9 P.MANI
10 M.SETTU
11 M.PULLIAN
12 G.KATHIR
13 P.LOGANATHAN
14 A.ELANGO VAN
15 R.SUNDARAM
16 V.AYYANAR
17 P.SHANMUGAM
18 P.KITTU
19 V.GANESAN
20 V.ANDAL
21 K.SUBRAMANI
22 C.BALAN
23 KRISHNAN
24 S.ERUSA GOUNDER
25 S.MURUGAN
26 R.MURUGAN
27 R.RANGAR
28 P.SEVI
29 S.NARAYANAN
30 C.MURUGAN



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... Petitioners

Vs

1 STATE OF TAMILNADU
REP. BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
FORT ST.GEORGE, CHENNAI - 9.

- 2 THE DISTRICT COLLECTOR
SALEM DISTRICT
SALEM.
- 3 THE DISTRICT REVENUE OFFICER
SALEM DISTRICT
SALEM.
- 4 THE REVENUE DIVISIONAL OFFICER
SANKARI TALUK
SALEM DISTRICT.
- 5 THE TAHSILDAR
SANKARI TALUK
SALEM DISTRICT.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct respondents 1, 2, 4 and 5 to pass orders on the recommendation of the third respondent by the proceedings bearing Ref.R.Dis.75615/71K3, dated 26.9.1971 and Nimu.702/C3(K3), dated 13.3.1973, duly assigning the lands to the petitioners in Survey No.344/1, Chinnamanali Village, Edappady Taluk, Salem District and classified as "Attrumedu Poramboke" and treated as unobjectionable poramboke.

For Petitioners : Mr.Bharathachakaravarthy
for M/s.Sai and Bharath

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)

ORDER

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

The petitioners have filed the above writ petition to issue a writ of mandamus directing respondents 1, 2, 4 and 5 to pass orders on the recommendation of the third respondent by the proceedings bearing Ref.R.Dis.75615/71K3, dated 26.9.1971 and Nimu.702/C3(K3), dated 13.3.1973, duly assigning the lands to the petitioners in Survey No.344/1, Chinnamanali Village, Edappady Taluk, Salem District and

classified as "Attrumedu Poramboke" and treated as unobjectionable poramboke.

2. It is the case of the petitioners that the lands in Survey No.344/1 have been re-classified as A.W.W. from Eri Poramboke and, therefore, the authorities may be directed to assign the lands in favour of the petitioners.

3. The learned counsel appearing for the petitioners relied upon a proceedings dated 26.9.1971 of the District Revenue Officer, Salem. However, on a perusal of the said document, it could be seen that the lands in Survey No.344/1 remain as Eri Poramboke.

4. Respondents 1 to 5 also filed a status report, wherein they have stated that Survey No.344/1 is classified as a water body and it cannot be assigned in favour of any individual.

5. The learned Government Pleader (i/c.) also produced the revenue records, wherein in respect of Survey No.344/1, the classification has been mentioned as water body.

6. When the land in dispute is a water body as per the revenue records as well as the proceedings of the District Revenue Officer, Salem dated 26.9.1971, the said water body cannot be assigned in favour of any individual.

7. In these circumstances, we are not inclined to entertain the writ petition filed by the petitioners seeking assignment of the lands.

In the result, the writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2008 is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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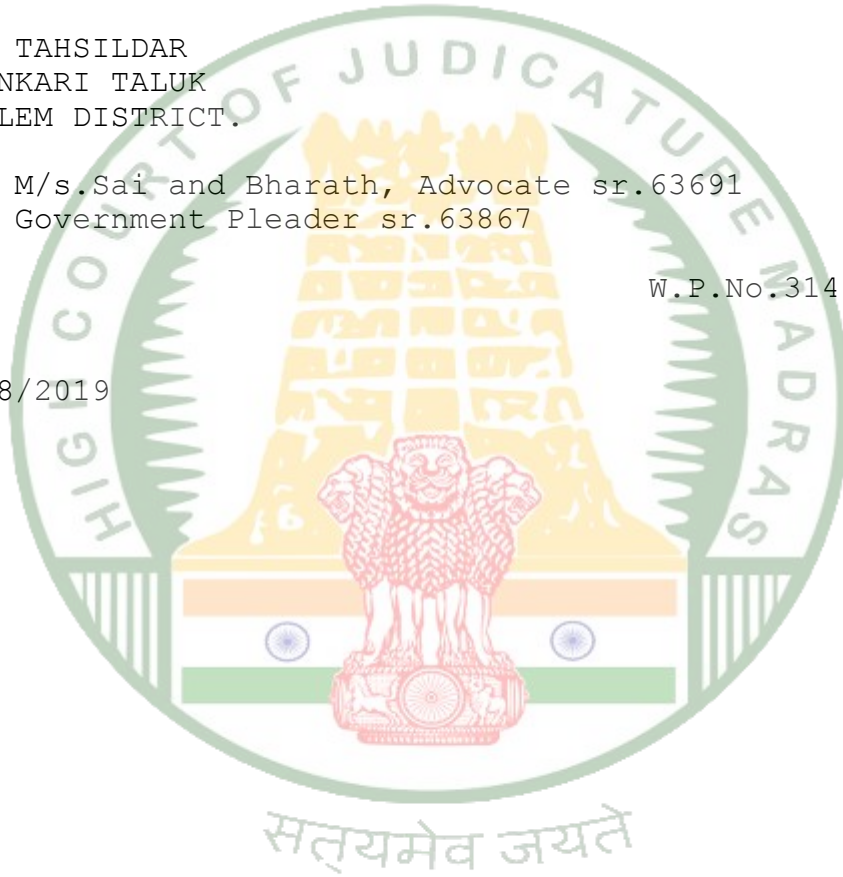
1 THE SECRETARY TO GOVERNMENT
STATE OF TAMILNADU
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SALEM DISTRICT.

+1cc to M/s.Sai and Bharath, Advocate sr.63691
+1cc to Government Pleader sr.63867

W.P.No.3141 of 2008

spd(co)
nr 22/08/2019



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