

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18268 of 2005

Harikrishnan

..Petitioner

Vs

1.The Revenue Divisional Officer,
Tirupattur.

2.The District Collector,
Vellore.

3.The Tahsildar,
Vaniyambadi.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Certiorari to call for the records on the file of the 1st respondent in Na.Ka.No.11235 of 2003 dated 25.05.2005 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.B.Anand
Government Advocate

सत्यमेव जयते

O R D E R

Heard Mr.V.Raghavachari, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioner has come forward with this writ petition challenging the cancellation of 2 C patta issued in favour of the petitioner by the impugned order dated 25.05.2005.

3. According to the petitioner, he is a permanent resident of Minnur Village, Vellore District. He owns land in S.No.270/1 measuring to an extent of 7 ½ acres. The adjacent

property having an extent of 1.25 acres occupied by the petitioner and he planted 90 coconut trees and thereby he issued with 2 C patta.

4. By the impugned order, 2 C patta issued in favour of the petitioner was cancelled on the grounds that he failed to pay the kist as per the Condition No.4; that there was a dispute between the petitioner and the villagers for using the property as pathway, which is situated adjacent to the property in dispute and that it is also classified as Kuttai Poromboke.

5. The learned counsel for the petitioner would submit that the order impugned in the writ petition has been passed without conducting any enquiry or issuing show cause notice. Hence, it is to be set aside for violation of the principles of natural justice. It is further submitted that the Village Panchayat passed a Resolution on 05.06.2003 granting no objection for using the property as Coconut Grove.

6. The learned Government Advocate appearing for the respondents by referring to the counter filed by the respondent would contend that the 2 C patta was issued for the land which was classified as Kuttai Poromboke and the petitioner was not a resident of Minnur Village and hence, he is not entitled to seek 2 C patta. It is further stated that the other conditions imposed in 2 C patta have not been complied with by the petitioner.

7. In the case on hand, the petitioner himself has admitted that the land in Old S.No.272 as New S.Nos.272/1 to 272/3 have been described as Kuttai Poromboke. However, the learned counsel for the petitioner contended that though the property was classified as Kuttai Poromboke in the revenue records, it is not retaining the character as such over several decades.

8. It is not in dispute that the petitioner was directed to pay Rs.8/- per tree and the condition has not been complied with. The Sub Collector, Thirupattur, has categorically stated that all the encroachments and occupiers of water body are to be removed to preserve water bodies.

9. Admittedly, the land in dispute has been classified as Kuttai Poromboke in the revenue records and that the respondents are intending to develop the water-body. It is apposite to note that the Hon'ble Apex Court and this Court have consistently issued directions to the authorities to remove the encroachers from the water body. Therefore, I find no valid ground warranting interference in this case.

10. In the result, the writ petition fails and accordingly, it is dismissed. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer,
Tirupattur.

2.The District Collector,
Vellore.

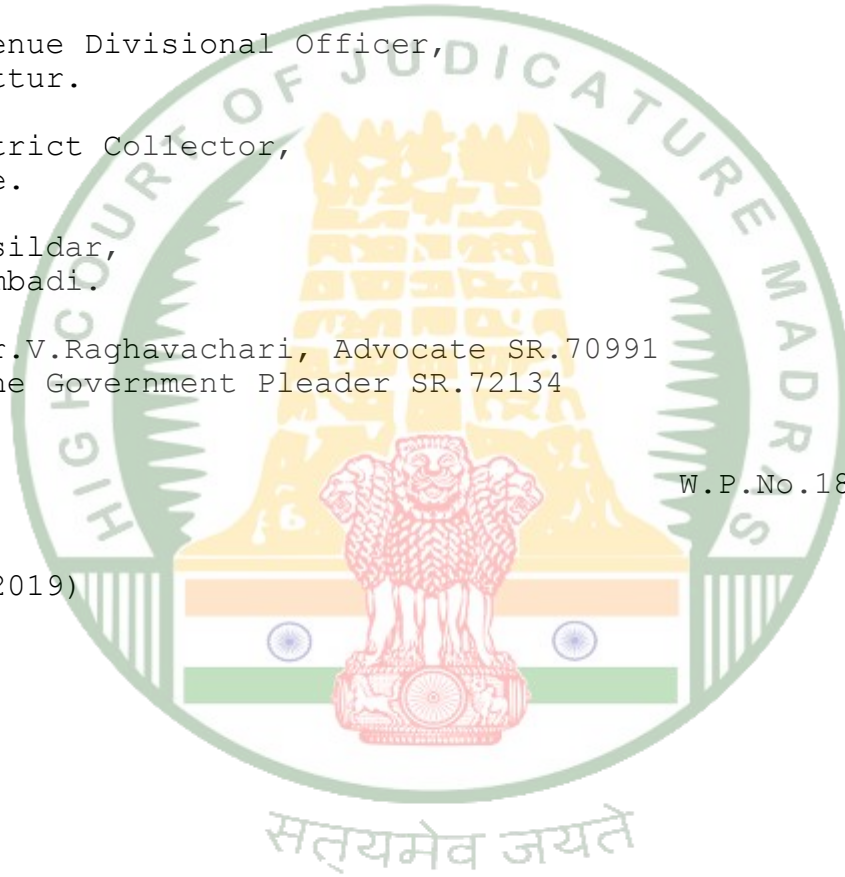
3.The Tahsildar,
Vaniyambadi.

+1cc to Mr.V.Raghavachari, Advocate SR.70991

+1cc to the Government Pleader SR.72134

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SSD(CO)
CB(23/10/2019)



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