

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. Nos.1199 & 1200 of 2018 and

W.M.P.Nos.1506 & 1507 of 2018

Paalapattu Farmers Welfare Association,
rep by its President K.Veerappan
No.44, Old Kaaman Koil Street,
Padhirapuliyur,
Tindivanam Taluk,
Villupuram District,
Tamil Nadu.

.. Petitioner in W.P.No.1199/2018

Padhiripuliyur Farmers Welfare Association,
rep by its President Suresh
No.4, Perumal Koil Street,
Padhiripuliyur,
Tindivanam Taluk,
Villupuram District,
Tamil Nadu.

.. Petitioner in W.P.No.1200/2018

Vs.

- 1.The Secretary to Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 3.The District Collector,
Villupuram District,
Villupuram.
- 4.The Revenue Divisional Officer,
Tindivanam Taluk,
Tindivanam.

5.The Tahsildar,
Office of the Tahsildar,
Tindivanam Taluk,
Tindivanam.

6.The Assistant Engineer,
PWD (Water Resource Wing),
Irrigation Division, Veddor Dam,
Tindivanam Taluk,
Villupuram District.

7.The Survey Officer,
Office of the Tahsildar,
Tindivanam Taluk,
Villupuram District.

.. Respondents in both W.Ps

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents to issue a grant for temporary occupation of the lands in Survey No.67 measuring an extent of 40 acres in Padhirapuliyur Village within the limit of Paalapattu, Villupuram District and Survey No.212/2 measuring an extent of 150 acres in Padhirapuliyur Village, Villupuram District in favour of the society for agricultural purposes as required under the Revenue Standing Orders 15A of the Board Standing Orders respectively.

For Petitioner : Ms.Vasudha Thiagarajan
(in both W.Ps)

For Respondents : Mr.V.Jayaprakash Narayanan,
(in both W.Ps) Government Pleader (i/c)

C O M M O N O R D E R
(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

Since the issues involved in both the Writ Petitions are identical, the Writ Petitions are disposed of by this common order.

2.The petitioners have filed the above Writ Petitions to issue Writs of mandamus to direct the respondents to issue a grant for temporary occupation of the lands in Survey Nos.67 & 212/2 measuring an extent of 40 acres and 150 acres in Padhirapuliyur Village, Villupuram District in favour of the society for agricultural purposes as required under the Revenue Standing Orders 15A of the Board Standing Orders.

3.The learned counsel appearing for the petitioners submitted that the petitioners - Associations members' forefathers were in occupation and possession of the lands in question and used the lands for cultivation of various crops. In the year 1957, an extent of more than 800 acres of lands were acquired by the Government for the construction of a project called "Veedur Reservoir Project".

4.According to the petitioners, out of the extent of 800 and odd acres the Government utilized 600 acres for the purpose of converting the same for artificial catchment area and the remaining 250 acres of land was left for the benefit of the land owners and the members of the Association continued to be in occupation after 1958-59. Now, the petitioners have filed the Writ Petitions seeking permission to continue in occupation of the lands.

5.The 6th respondent filed a counter stating that the members of the petitioners - Associations have encroached the water catchment area and it is the main areas to recharge the Veedur Dam and therefore, the petitioners cannot be granted permission to occupy the water catchment area. Further, the 6th respondent has specifically stated that no one can claim right over the encroached water bodies.

6.When the petitioners have encroached the water catchment area, this Court cannot allow them to be in possession of the water bodies. When the Government had already acquired the lands as early as in the year 1957, we are not inclined to grant any permission to the petitioners to continue their possession in the lands. In view of the same, the Writ Petitions are liable to be dismissed. Accordingly, the same are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Public Works Department,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Secretary to Government,
Revenue Department,
Secretariat, Fort St.George, Chennai - 600 009.

3.The District Collector,
Villupuram District, Villupuram.

4.The Revenue Divisional Officer,
Tindivanam Taluk, Tindivanam.

5.The Tahsildar,
Office of the Tahsildar,
Tindivanam Taluk, Tindivanam.

6.The Assistant Engineer,
PWD (Water Resource Wing),
Irrigation Division, Veddor Dam,
Tindivanam Taluk, Villupuram District.

7.The Survey Officer,
Office of the Tahsildar, Tindivanam Taluk,
Villupuram District.

+2cc to Mr.R.Thiagarajan, Advocate SR.No.7872

+1cc to Government Pleader SR.No.7853

W.P.Nos.1199 & 1200 of 2018 and
W.M.P.Nos.1506 & 1507 of 2018

RR(CO)
GMY(27/02/2019)