

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

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

W.P.No.13923 of 2019

R.Subramani

.. Petitioner

-Vs-

1. The District Collector
Thiruvallur District
Thiruvallur.
2. The District Revenue Officer
Thiruvallur District
Thiruvallur.
3. The Tahsildar
Uthukkottai Taluk
Thiruvallur District
Thiruvallur.
4. Dilli
5. T.G.Subramani
6. S.Munivel
7. Marimuthu
8. The Junior Engineer
Public Works Department
Chetty Street, Uthukkottai Taluk,
Thiruvallur District.

.. Respondents

(R8 impleaded vide order dated 12.06.2019
made in WMP.No.15909/2019)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to restore the water body viz., Eri Ulvoy Poromboke in SF.Nos.18/2 to 8 of Perandur Village, Uthukkottai Taluk, Thiruvallur District, by removing the encroachments made by respondents 4 to 7, on the basis of the representation of the petitioner dated 28.01.2019 within a stipulated time.

For Petitioner : Mr.K.Suresh

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for respondents 1 to 3 and 8

ORDER

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

The petitioner has filed the above writ petition to issue writ of mandamus directing respondents 1 to 3 to restore the water body viz., Eri Ulvoy Poromboke in SF.Nos.18/2 to 8 of Perandur Village, Uthukkottai Taluk, Thiruvallur District, by removing the encroachments made by respondents 4 to 7, on the basis of the representation of the petitioner dated 28.01.2019 within a stipulated time.

2. The third respondent, i.e., the Tahsildar, Uthukkottai Taluk, filed a counter, wherein it has been stated that the lands in Survey Nos.18/2 to 18/8 are patta lands and ryotwari pattas were granted in favour of respondents 4 and 5 and also in favour of others. In the counter, the third respondent has also specifically stated that the private respondents are in possession and occupation of the patta lands in Survey Nos.18/2 to 18/8.

3. When the private respondents are occupying the lands pursuant to the pattas issued in their favour, the relief sought for in the Writ Petition cannot be granted. Unless, the pattas issued in their favour are cancelled by a Competent Authority, the private respondents cannot be considered as encroachers and the official respondents cannot remove them from the said lands. In these circumstances, only if the pattas issued in favour of the private respondents are cancelled, the petitioner can seek for removal of encroachments. In such view of the matter, we are not inclined to grant the relief sought for in the Writ Petition.

The writ petition is dismissed. No costs.

sasi

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

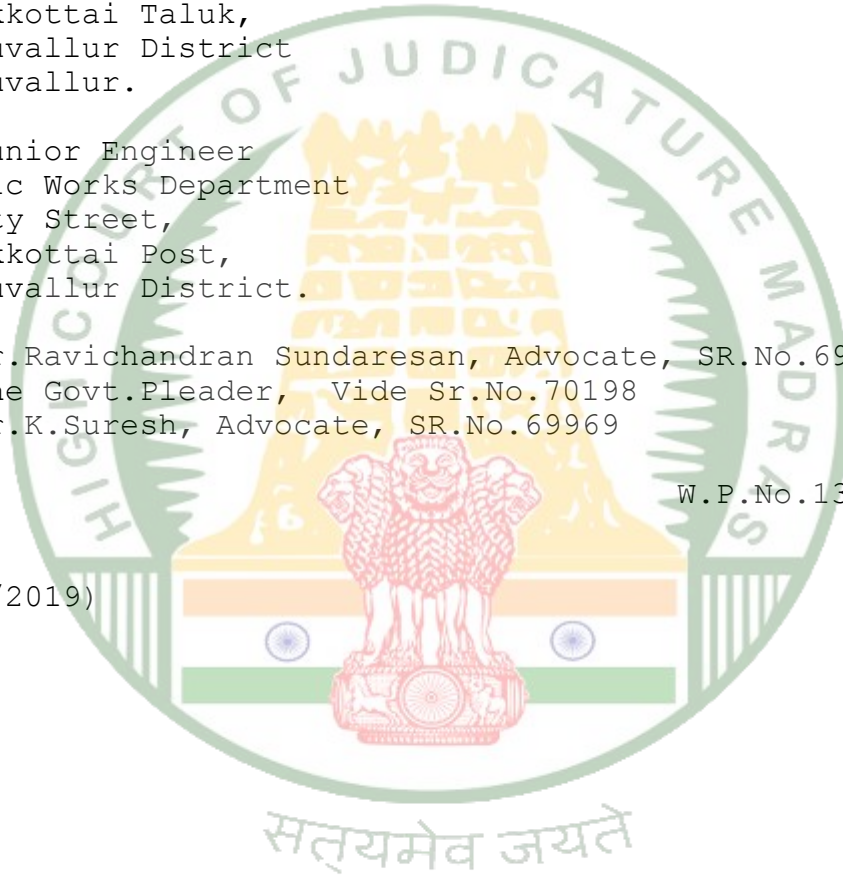
To

- 1 The District Collector
Thiruvallur District,
Thiruvallur.
- 2 The District Revenue Officer
Thiruvallur District,
Thiruvallur.
- 3 The Tahsildar
Uthukkottai Taluk,
Thiruvallur District
Thiruvallur.
- 4 The Junior Engineer
Public Works Department
Chetty Street,
Uthukkottai Post,
Thiruvallur District.

+1cc to Mr.Ravichandran Sundaresan, Advocate, SR.No.69654
+1cc to the Govt.Pleader, Vide Sr.No.70198
+1cc to Mr.K.Suresh, Advocate, SR.No.69969

W.P.No.13923 of 2019

Kak(17/09/2019)



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