

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.17589 of 2018 and

W.M.P.No.20873 of 2018

S.Senguttuvan

... Petitioner

Vs.

1.The Commissioner,
Land Administration,
Ezhilagam, Chennai - 9.

2.The District Collector,
Cuddalore District.

3.The Revenue Divisional Officer,
Virudhachalam Revenue Division,
Cuddalore District.

4.The Tahsildar,
Tittagudi Taluk, Cuddalore District.

5.The Block Development Officer,
Nallar Panchayat Union,
Cuddalore District.

6.T.Lakshmanan

7.R.Paneerselvam

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents 1 to 5 to restore the original classification of water body called "Periya Eri" in Survey No.488/1, measuring an extent of 99.50 ares (6 hectares) at Tholar South Village, Tittagudi Taluk, Cuddalore District as per FMB sketch by deleting wrong entry as "Natham" in "A" Register and take further action for removal of encroachment if any and refrain from making or issuing any orders of assignment in favour of any persons in and over this water body.

For Petitioner : Mr.R.Veeramani

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R5)
R6 & R7 - no appearance

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the respondents 1 to 5 to restore the original classification of water body called "Periya Eri" in Survey No.488/1, measuring an extent of 99.50 ares (6 hectares) at Tholar South Village, Tittagudi Taluk, Cuddalore District as per FMB sketch by deleting wrong entry as "Natham" in "A" Register and take further action for removal of encroachment if any and refrain from making or issuing any orders of assignment in favour of any persons in the said water body.

2.It is the case of the petitioner that the respondents 6 & 7 have encroached the water-body in Survey No.488/1 and therefore, the encroachers should be removed from the water-body and that the entry made in the revenue records as Natham should be deleted.

3.The 4th respondent viz., the Tahsildar filed a counter wherein he has stated that in Survey No.488/1, out of an extent of 6.99.5 hectares, an extent of 6.11.0 hectares remain as water-body and an extent of 0.88.5 hectares in Survey No.488/2 is a Natham land and the 4th respondent has also stated that orders were also issued to carry out necessary changes in the village records with regard to the said classification.

4.So far as Survey No.488/1 is concerned, the 4th respondent has stated that there are some encroachments and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/e) submitted that the authorities are giving an undertaking that the said encroachments would be removed in accordance with law.

5.In view of the averments stated in the counter affidavit filed by the 4th respondent and the submission made by the learned Government Pleader (i/c), no further orders are necessary. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Land Administration,
Ezhilagam, Chennai - 9.
- 2.The District Collector,
Cuddalore District.
- 3.The Revenue Divisional Officer,
Virudhachalam Revenue Division,
Cuddalore District.
- 4.The Tahsildar,
Tittagudi Taluk, Cuddalore District.
- 5.The Block Development Officer,
Nallar Panchayat Union,
Cuddalore District.

+1cc to the Government Pleader Sr.27211
+1cc to Mr.R.Veeramani, Advocate Sr.27550

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srg 10/04/2019