



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.12232 of 2019
and W.M.P.(MD) No.9186 of 2019

Virudhunagar District Ex-Servicemen's Association,
Rep. by its President,
Hony Sub Major S.K.Srinivasan,
No.49, Railway Feeder Road,
Srivilliputhur Taluk,
Virudhunagar District.

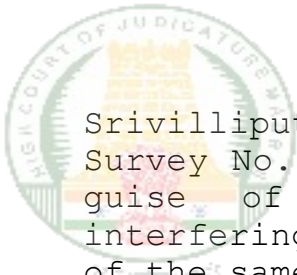
...Petitioner

Vs

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.
- 4.The Commissioner,
Srivilliputhur Municipality,
Virudhunagar District.
- 5.The Divisional Engineer,
Public Works Department,
Srivilliputhur,
Virudhunagar.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order proceedings in Na.Ka.Aa2/1458/2018, dated 06.05.2019, issued by the third respondent, quash the same and consequently, directing the respondents not to demolish the petitioner's association building, situated in Natham land in Virudhunagar District at



Srivilliputhur Municipality, Ward No.1, Block No.6, comprised in Survey No.679/3, having total extent of 0.00.65.0 sq.mtr. under the guise of eviction process forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the same.

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For Petitioner

:Mr.A.Mu.Sharavanan

For Respondents

:Mr.S.Dhayalan
Government Advocate

O R D E R

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed under Section 6 of the Land Encroachment Act by the third respondent dated 06.05.2019 and to direct the respondents not to demolish the petitioner's association building, situated in Natham land in Virudhunagar District at Srivilliputhur Municipality, Ward No.1, Block No.6, comprised in Survey No.679/3, having total extent of 0.00.65.0 sq.mtr. under the guise of eviction process and forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the same.

2.It is not in dispute that the entire land in dispute is classified as Water Body (Odai Porampoke). Taking into consideration the fact that petitioner is in enjoyment of the land classified as Odai Porampoke, earlier the Revenue Officials recommended for re-classification of the land, which is occupied by the petitioner, as Natham. That does not mean that the property itself is classified as Natham. Except the recommendations made by the revenue officials, there is no evidence to show that the property which is in the enjoyment of the petitioner is natham property. This Court cannot direct the officials to grant patta to the petitioner in respect of the land which is classified as water body (Odai Porampoke). Merely because the petitioner was allowed to enjoy a portion of the water body and the revenue officials have recommended for re-classification of the land, which is in the occupation of the petitioner, the petitioner cannot claim patta and challenge the order of eviction passed by the revenue officials. It is also evident that eviction proceedings has been initiated against the petitioner pursuant to the direction issued by this Court earlier in W.P.(MD) No.18891 of 2017 dated 29.11.2017, wherein, this Court has directed the second respondent to take appropriate action on the basis of the communication of the third dated 30.08.2017, after due notice to the encroachers. Since the eviction notice has been issued only pursuant to the direction of this Court, this Court finds no merits in this Writ Petition.



3. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition also stands dismissed. No costs.

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Sd/-

Assistant Registrar (V.O)

// True Copy //

Sub Assistant Registrar(CS)

Sj

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
3. The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.
4. The Commissioner,
Srivilliputhur Municipality,
Virudhunagar District.
5. The Divisional Engineer,
Public Works Department,
Srivilliputhur,
Virudhunagar.

+1 CC to SPL GP SR-66264.

+1 CC to M/s.A.MU.SHARAVANAN, Advocate SR-66192.

**W.P. (MD) No.12232 of 2019
and W.M.P. (MD) No.9186 of 2019
22.05.2019**

CS: (31/05/2019) 3P 8C