



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.19964 of 2019

and

W.M.P. (MD).No.16545 of 2019

K.R.Jeyaraj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Project Officer,
District Rural Development Agency,
Tamil Nadu Agricultural Market Board,
Tirunelveli.

3.The District Director,
Tamil Nadu Agricultural Market Board,
Tamil Nadu Supply Chain Management,
Palayamkottai.

4.The Administrative Engineer,
Public Works Department,
Palayamkottai.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ Mandamus, forbearing the respondents from making any construction of building in the water catchment area and watercourse situated in S.No.298A at Kumarapuram Village, Thisaiyanvilai Taluk, Tirunelveli District by considering his representation dated 26.08.2019.

For Petitioner
For Respondents

:Mr.P.P.Alwin Balan
:Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.P.P.Alwin Balan, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.



2.By consent on either side, this writ petition is taken up for disposal.

3.When the writ petition was entertained, an interim order was granted by referring to the reply given to one Rajmicheal by the District Collector in his memo dated 11.07.2011.

4.The contention of the petitioner is that the construction was made in the water body. The contention of the petitioner is solely based upon the communication of the District Collector to Rajmicheal. In the said communication, Rajmicheal was informed that the assignment cannot be granted in respect of the land which is classified as water body comprised in S.No.298/A measuring to an extent of 0.52.0 hectares.

5.The respondent has filed a counter affidavit setting out as to what is the classification of the land and how the land is not a water body.

6.On a perusal of the counter affidavit, from the records, it is seen that the land is classified as 'waste' land and that a road was formed from the patta land in Survey No.298A and the remaining land is now proposed to be used for construction of Regulated Agricultural Market. Further, the respondent would state that the Tahsildar had recommended for assignment of patta in favour of Rajmicheal to an extent of 91 cents on 09.11.2009. But, the District Collector, Tirunelveli, rejected the same on 11.07.2011 and the petitioner is a proxy litigant set-up by Rajmicheal.

7.In any event, the respondents have clearly stated as to what is the nature of land and that land has already been transferred by the District Collector on 11.07.2011 to the Agricultural Market.

8.For all the above reasons, we find no ground is made out to issue a direction sought for by the writ petitioner in this writ petition. Hence, this Writ Petition stands dismissed. No costs. Consequently, the connected M.P is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The District Collector,
Tirunelveli District,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Project Officer,
District Rural Development Agency,
Tamil Nadu Agricultural Market Board,
Tirunelveli.

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3.The District Director,
Tamil Nadu Agricultural Market Board,
Tamil Nadu Supply Chain Management,
Palayamkottai.

4.The Administrative Engineer,
Public Works Department,
Palayamkottai.

+1 CC to Mr.P.P.ALWIN BALAN, Advocate (SR-91694[F] dated 10/10/2019)
+1 CC to SP1.GP (SR-91651[F] dated 09/10/2019)

W.P. (MD) .No.19964 of 2019

and

W.M.P. (MD) .No.16545 of 2019

04.10.2019

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