



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.20181 of 2019
and W.M.P. (MD) No.16738 of 2019

N.S.Rajendran

... Petitioner

-vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Ambasamuthiram,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 1st to 3rd Respondents to consider the petitioner's representation dated 09.09.2019 given to the 1st Respondent and further to direct the 1st Respondent to keep the Survey No.361/1B3, 361/1B1 in the Revenue Village, Thiruviruthan Pilli, Cheranmahadevi as water body in the interest of the public.

For Petitioner
For Respondents

: Mr.V.Rajiv Rupus
: Mr.M.Murugan
Government Advocate

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V.Rajiv Rupus, learned counsel appearing for the petitioner and Mr.M.Murugan, learned counsel appearing for the respondents.

2.By consent on either side, this Writ Petition itself is taken up for final disposal.
<https://hcservices.courts.gov.in/hcservices>



3.This Writ Petition has been filed seeking a direction to the 1st Respondent to keep Survey No.361/1B3, 361/1B1, Thiruviruthan Pilli, Cheranmahadevi as water body.

4.Mr.M.Murugan, the learned Government Advocate appearing for the respondents on instructions submitted that on enquiry the District Collector, Tirunelveli District found that gross irregularity has been committed by the Tahsildar while granting patta in the recent past and he has initiated action for cancellation of proceedings in that regard. It is further submitted that no patta will be granted in respect of the land in question.

5.The said submission made on behalf of the District Collector is taken on record and there shall be an order of injunction restraining the respondents from granting patta to the land in question and preserve the same as water body.

6.The next problem arises in respect of pattas already granted. The District Collector is of the clear view that all pattas have to be cancelled and he assured that necessary proceedings will be initiated in that regard.

7.In the light of the above, the first respondent District Collector is directed to form a team of officers, who will dedicately function only for such purpose and take appropriate action following proper procedure to cancel all the illegal pattas. This Court has specifically observed that proper procedure has to be followed because if the pattadars are not given adequate opportunities, then the entire procedure will be caught hold as there is likelihood of stay by the Courts. The above exercise shall be completed expeditiously preferably within six months from the date of receipt of a copy of this order.

8.This Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Tirunelveli District,

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



2.The Sub Collector,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Ambasamuthiram,
Tirunelveli District.

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MK (13.12.2019) 3P 4C