



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.21040 of 2019

and

W.M.P. (MD) No.17637 of 2019

WEB COPY

Sekar

... Petitioner

-vs-

- 1.The District Collector
Ramanathapuram District
Ramanathapuram
- 2.The Tahsildar
Paramakudi Taluk
Ramanathapuram District
- 3.The Director of Town Planning Office
Sivagangai Zone
Collectorate, Sivagangai
- 4.The Executive Engineer
Vagai Basin
Paramakudi
Ramanathapuram District
- 5.A.V.Kumarasamy

6.K.Shanthi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 18.06.2018 and consequently to remove the illegal encroachment made by the respondent Nos.5 and 6 in the waterbody in Survey Nos.432/1, 432/2, 432/3B, 432/19A, 432/20A, 432/22A, 433/1A, 433/3A, 433/4A, 433/5A situated at Thelichanallur Village, Kattuparamakudi Group, Paramakudi Taluk, Ramanathapuram.

For Petitioner: Mr.K.Mahendran

For Respondents : Mr.S.Angappan

Government Advocate for R1 to R4

Mr.J.Lawrance for R5 & R6

O R D E R

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

This writ petition has been filed as a public interest litigation to direct the respondents 1 to 4 to take action on his



representation and to remove the illegal encroachments made by the respondents 5 and 6.

2. The petitioner's case rests upon the revenue sketch and certain extracts of the revenue register and certain entries in the A-Register and based on that, it is argued by the learned counsel for the petitioner that the subject land has been classified as waterbody and therefore, it is submitted that the purchase made by the respondents 5 and 6 of such a land is illegal and the construction, which they propose to make is also illegal.

3. The fifth respondent has filed a counter affidavit stating that the petitioner is a land broker and there are other agents behind the litigation and it is not a genuine public interest litigation.

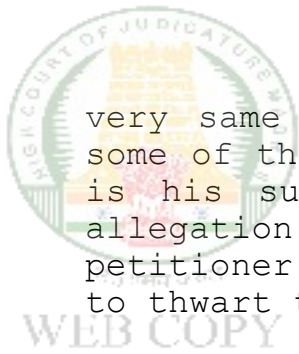
4. The learned counsel for the petitioner submitted that all those allegations are false and the petitioner emphatically denies the same.

5. Be that as it may, we are to look into the correctness of the stand taken by the official respondents.

6. The learned Government Advocate has produced a copy of the A-Register, which contains handwritten entries. Much prior to the year 1969, applications have been made for grant of patta in respect of the entire extent of the land and we find one endorsement, dated 06.05.1969, where the application for patta was disallowed and the classification of the land was varathukkal. We also find other entries all dated 01.04.1971 and the classification of the land is Neer Pidi and pattas have been granted. The respondents 5 and 6 have purchased the subject property only in the year 2019. The records produced before the Court show that certain entries have been made in the year 1971 and patta has been granted. Therefore, at this juncture, it cannot be stated that the land in question continues to remain as a waterbody in the revenue records as on date.

7. The petitioner is probably right in stating that at one point of time the classification of the land was waterbody. However, reclassification was done in the year 1971 and the erstwhile owners of the respondents 5 and 6 have been granted patta. Therefore, at this juncture, we cannot issue any direction as sought for by the petitioner based on the materials placed before this Court.

8. The learned counsel for the respondents 5 and 6 submitted that the petitioner belongs to the same village and he is aware of the entire area and very recently, large extent of the land in the



very same survey number have been plotted into housing plots and some of them have been dealt with by the petitioner. Therefore, it is his submission that the petitioner is a land broker. This allegation is emphatically denied by the learned counsel for the petitioner and it is submitted that such an allegation is made only to thwart the proceedings.

9. As pointed out earlier, from the records, it is seen that during 1971 reclassification was done and pattas have been granted. Therefore, at this juncture, relying upon any other entry, we cannot issue any direction as sought for by the petitioner. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Director of Town Planning Office,
Sivagangai Zone,
Collectorate, Sivagangai.

4.The Executive Engineer,
Vagai Basin,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.K. MAHENDRAN, Advocate (SR-99197[F] dated 18/11/2019)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-99495[F] dated 19/11/2019)

+1 CC to M/s.SPL GP (SR-99979[F] dated 20/11/2019)

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