

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18017 of 2020

C. Annamalai

... Petitioner

Vs.

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Revenue Tahsildar,
Thirukovilur Taluk,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorari to call for the entire records of the 2nd respondent pursuant to the impugned proceedings in Na.Ka.No.A4/2682/2019 dated 12.08.2020 and quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Murugan

For Respondents: Mr.G.Rajesh, Govt.Advocate

सतरामेव जयते
O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the 2nd respondent dated 12.8.2020, wherein, the request made by the petitioner for assignment patta was rejected by the 2nd respondent on the ground that the property in question has been categorised as an Odai Poramboke (water body) in the revenue records and hence a patta cannot be issued in favour of the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner has served in the Army and has fought for this Country in two Wars. The petitioner has been in possession and enjoyment of the subject property for a long period of time and

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the petitioner is now nearly 80 years and till date, he has not been assigned any land. The learned counsel further submitted that there was an earlier report that was submitted by the Revenue Inspector to the Tahsildar to the effect that the subject property can be converted as Punjai Tharisu and it will not cause any damage to the water body. The learned counsel submitted that this report was not taken into consideration by the 2nd respondent while passing the impugned order. The learned counsel for the petitioner concluded his arguments by submitting that if this Court is not inclined to interfere with the proceedings of the 2nd respondent, atleast the 2nd respondent can be directed to consider allotting and granting assignment patta to the petitioner in some alternative place.

3. Per contra, Mr.G.Rajesh, learned Govt. Advocate appearing on behalf of the respondents submitted that no patta can be granted in so far as the water body is concerned and this Court has repeatedly warned the officials not to grant patta or permit anybody to be put in occupation of a water body. The learned counsel submitted that in the light of the judgments of this Court, the 2nd respondent has to necessarily comply with the directions given by this Court and the 2nd respondent cannot act upon the report of the Revenue Inspector. The learned counsel further submitted that if the petitioner seeks for an assignment in some alternate land, the same will be considered strictly in accordance with law.

4. This Court has carefully considered the submissions made by either side and the materials available on record. This Court find force in the submissions of the learned Govt. Advocate appearing on behalf of the respondents. As rightly contended by the learned Govt. Advocate, the Revenue Authorities cannot grant patta for those lands which are categorized as a water body in the revenue records. Therefore the 2nd respondent was perfectly right in rejecting the claim made by the petitioner. After considering the fact that the petitioner has served this country and has fought two Wars for this Country, it is important that some recognition is given to the petitioner and his case is considered sympathetically. The petitioner is already nearing 80 years and at the fag end of his life, he is attempting to get a small piece of land in his own name and therefore, the respondents will have to take that into consideration. The petitioner is at liberty to make a fresh representation to the respondent by identifying a property and seek for the grant of assignment patta under the Ex-Serviceman quota. The respondents immediately on receipt of representation, shall consider the same strictly in accordance with law and after taking into consideration the service rendered by the petitioner to this Country. Orders shall be passed as expeditiously as possible on the representation made by the petitioner.

5. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msr

To

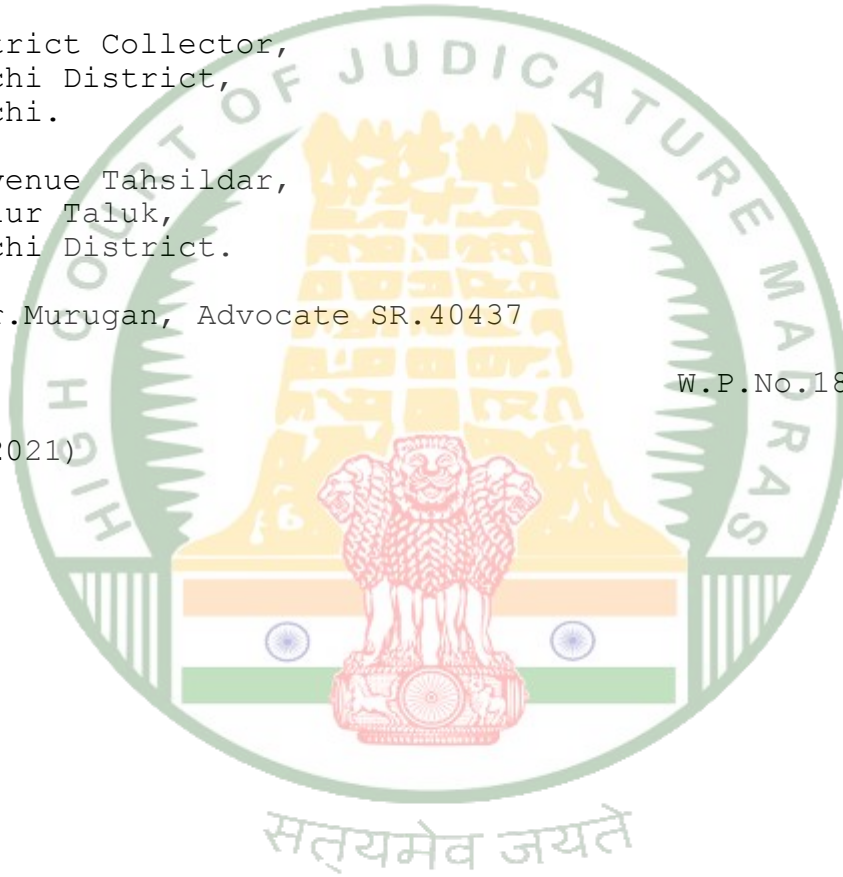
1.The District Collector,
Kallakurichi District,
Kallakurichi.

2. The Revenue Tahsildar,
Thirukovilur Taluk,
Kallakurichi District.

+2cc to Mr.Murugan, Advocate SR.40437

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