



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2020

CORAM:

THE HONOURABLE **MRS.JUSTICE R.THARANI**

C.R.P (MD) No.377 of 2020

1.A.P.Sundari
2.P.Ramesh
3.P.Arunadevi
4.R.Murugesan
5.R.Selvam

... Petitioners/Plaintiffs

Vs.

1.The Government of Tamil Nadu
Represented through its
District Collector,
Madurai District, Madurai.

2.The Tahsildar
Madurai East, Othakadai, Madurai.

3.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Tallakulam, Madurai.

4. The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Tallakulam, Madurai.

5.The Deputy Director of Panchayat,
Madurai East Panchayat Union,
Madurai - 625 002.

6.The Executive Officer,
Othakadai Panchayat,
Othakadai, Madurai - 625 023.

... Respondents /Defendants

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside rejection order dated 01.11.2019, in un-numbered Original Suit No.. of 2019 on the file of the District Munsif, Melur, Madurai District.

For Petitioners : Mr.A.Haja Mohideen

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader



ORDER

Heard both sides.

2. On the side of the petitioners, it is stated that the petitioners are in occupation of a place, which is not within the water body, to prove the same, the petitioners request an appointment of an Advocate Commissioner. It is further stated that their neighbours were given patta by the Government and prayed a direction to the lower Court, to number the suit.

3. On the side of the respondents, it is stated that the suit property is a water body and it is not a Natham Poromboke and that the petitioners filed writ petitions and failed in his efforts. Under the Land Encroachment Act, the trial Court is not having jurisdiction to entertain the suit.

4. An endorsement in the copy of adangal that the petitioners are residing behind a water body will not confer any right to the petitioners.

5. Admittedly, the suit property is not a Natham Poromboke, the petitioners have no *locus standi* to claim the suit property and they are only Encroachers. The Civil Court is not having jurisdiction to entertain the suit under the Tamil Nadu Land Encroachment Act. Hence, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

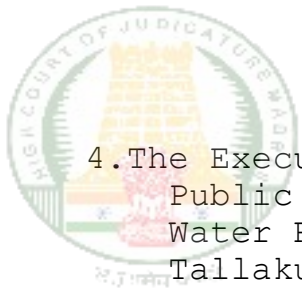
Ls
To

1.The District Munsif,
Melur, Madurai District.

2. The District Collector,
Madurai District,
Madurai.

3.The Tahsildar
Madurai East,
Othakadai, Madurai.

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



- 4.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Tallakulam, Madurai.
- 5.The Deputy Director of Panchayat,
Madurai East Panchayat Union,
Madurai - 625 002.
6. The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Tallakulam, Madurai.
- 7.The Executive Officer,
Othakadai Panchayat,
Othakadai, Madurai - 625 023.

copy to

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.HAJAMOHIDEEN, Advocate (SR-9546[F] dated 02/03/2020)
+1 CC to SPL.GP (SR-9653[F] dated 02/03/2020)

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VB(13.03.2020) 3P 12C