



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 15.07.2020

CORAM

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

S.A(MD).No.260 of 2020
&CMP(MD).No.3338 of 2020

WEB COPY

C.Ammavasai : Appellant/Appellant/Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai.

4.The Assistant Executive Engineer,
Public Works Department,
Peraiyur - Vaigai Bed,
Sub-Division II,
Madurai.

: Respondents/Respondents/Defendants

5.The Tahsildar,
Tirupparankundram,
(R5 is suo-motu impleaded, vide Court
Order dt.24.6.2020 made in
SA(MD).260/2020)

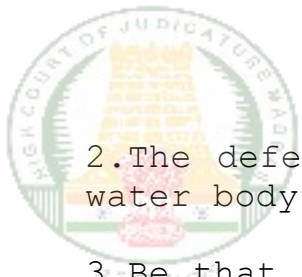
: Respondent

PRAYER: Second Appeal is filed under Section 100 of C.P.C, against the Judgment and Decree dated 27.02.2019 made in A.S.No.99/17 on the file of the Sub Judge, Thirumangalam confirming the Judgment and Decree dated 26.07.2013 made in O.S.No:371/07 on the file of the District Munsif Court, Thirumangalam.

For Appellant : Mr.PT.S.Narendravasan

J U D G M E N T

The plaintiff, who according to him is only in occupation of some 14 cents of land in Sy.No.92 of Thirupparankundram Village has filed the suit seeking a declaration that the suit property is situate in a Grama Natham. The parties would be referred to by the trial Court.



2.The defence of the respondents/Government is that Sy.No.92 is a water body.

3.Be that as it may, during UDR, patta was issued to the plaintiff by the Tahsildhar sometime in 1996 and that came to be cancelled in 1999. This was challenged by the appellant/plaintiff in revision before the Revenue Court on the ground that he was not heard before cancellation of the patta and the same was dismissed. The plaint avers about a second revision preferred by the appellant/plaintiff before the Commissioner of land administration and its outcome is not known. During trial, the respondents/defendants have filed village A Registrar to show that the property in Sy.No.92 was a water body. This would imply that the plaintiff is in occupation of a water body and this is impermissible in terms of the ratio in ***T.K.Shanmugam Vs. The State of Tamil Nadu and others***[2015(5) LW 397] . Mere occupation of the plaintiff on a water body cannot be countenanced or can it be appreciated. That cannot vest him with any right.

4.The petitioner does not claim title to the property in himself either under the impugned patta or by adverse possession but, only wants a declaration that the suit property is a grama natham property. Inasmuch as in the revenue records, it is shown as a water body and since this is a fact found by the Courts below based on evidence, this Court is not interested in interfering with the said fact. No perversity in fact finding is seen. There is no substantial question of law involved.

5.Therefore, the Second Appeal is dismissed and the Judgment and Decree dated 27.02.2019 made in A.S.No.99 of 2017 on the file of the Sub Judge, Thirumangalam confirming the Judgment and Decree dated 26.07.2013 made in O.S.No.371 of 2007 on the file of the District Munsif Court, Thirumangalam is confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



tsg

To

1.The Judge, Sub Court,
Thirumangalam.

2.The District Munsif,
Thirumangalam.

Copy to

The Section Officer-2 copies
V.R.Section, Madurai Bench of Madras High Court,
Madurai.

S.A(MD) .No.260 of 2020

15.07.2020

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