



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.7313 of 2020

and

W.M.P. (MD)No.6764 of 2020

WEB COPY

V.Gopalakrishnan

... Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The Block Development Officer,
(Village Panchayat),
Marungapuri Panchayat Union,
Trichy District.

3.The President,
Palaiyapalayam Village Panchayat,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order made in Na.Ka.Aa.1/1546/2020 dated 26.06.2020 on the file of the respondent No.2 and quash the same and forbearing the respondents from laying pond shore in Kollakulam Oorani situated in S.No.243/3 at Akkiyampatti Village Group, Manaparai Taluk, Trichy District.

For Petitioner : Mr.V.Kannan

For Respondents : Mrs.S.Srimathy

Spl. Government Pleader for R1

Mr.Shanmuga Selvam for R2 & R3

ORDER

Heard the learned counsel appearing for the petitioner and Mr.Shanmuga Selvam, learned counsel appearing for the second and third respondents. The impugned order was passed by the second respondent.

2.The petitioner's case is that his father namely., Mr.Velu Konnar was granted 2c patta vide order dated 19.07.2013 issued by the Thasildar, Manaparai. The petitioner's case is that by the impugned order the villagers have been granted permission to deepen the tank situated in S.No.243/3 in Akkiyampatti. The petitioner apprehends that if the tank is deepened, all the 37



mango trees for which the petitioner is having 2c patta will be uprooted and damaged.

3.The learned counsel appearing for the second and third respondents draws my attention to the conditions set out in the impugned order dated 26.06.2020. Condition No.3 clearly states that there are 37 mango trees in the tank and that the trees should not suffer any damage. Few other conditions have been incorporated. They are to the effect that deepening should not go beyond two feet depth. It has further been stipulated that the savudu sand should not be taken outside, it should be utilized only for strengthening the bund. It has further been stipulated no individual can claim right on the tank in question. Mr.Shanmuga Selvam, learned standing counsel categorically stated that the second respondent will ensure that these five conditions are adhered to in letter and spirit. The undertaking given by the second respondent through the learned standing counsel is placed on record.

4.I must further observe that the petitioner is not having any legal right. If the petitioner wants this Court to grant relief in this writ petition, he must make out a legal right. Even 2c patta was only issued in his father's name; the petitioner is virtually claiming a hereditary right. The object of the 2c patta is to enable the pattadar to enjoy the usufructs of the trees. Patta was issued way back in the year 2013. It cannot confer any right in favour of the pattadar's family. I find no ground to interfere with the order impugned in this writ petition. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A/Cs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

The District Collector,
Trichy District,
Trichy.

W. P. (MD) No. 7313 of 2020

06.07.2020

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