



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2020

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THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

W.P. (MD)Nos.1255 to 1261 of 2018

- | | |
|--------------------|--|
| 1.A.Krishnammal | ... Petitioner in W.P. (MD)No.1255 of 2018 |
| 2.S.Kamila | ... Petitioner in W.P. (MD)No.1256 of 2018 |
| 3.Mohammed Ismayil | ... Petitioner in W.P. (MD)No.1257 of 2018 |
| 4.R.Vijayakumar | .. Petitioner in W.P. (MD)No.1258 of 2018 |
| 5.I.Sakkarai Kani | ... Petitioner in W.P. (MD)No.1259 of 2018 |
| 6.J.Rajendran | ... Petitioner in W.P. (MD)No.1260 of 2018 |
| 7.M.Subburaj | ... Petitioner in W.P. (MD)No.1261 of 2018 |

Vs.

- 1.The Commissioner,
The Commissionarate of Land Administration,
Chepauk, Chennai-5.
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Tahsildhar,
Melur Taluk,
Madurai District.

... Respondents in all W.Ps.

Common Prayer: These Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondents to classify and grant patta to the petitioners for the petitioners' lands and its extent of 3 cents situate in Survey Nos.264/12, 264/12B, 247/1 respectively of Kottampatty Village, Melur Taluk, Madurai District, according to law based on the petitioners' representation dated 14.11.2017.

For Petitioners (in all W.Ps.)	: No Appearance
For Respondents (in all W.Ps.)	: Mr.C.Ramesh, Special Government Pleader.

**COMMON ORDER**

These writ petitions have been filed seeking a direction to direct the respondents to classify and grant patta to the petitioners for the petitioners' lands and its extent of 3 cents situate in Survey Nos.264/12, 264/12B, 247/1 of Kottampatty Village, Melur Taluk, Madurai District and according to law based on the petitioners' representation dated 14.11.2017.

2.The case of the petitioners is that they are residing in the above mentioned survey numbers along with their family members for more than seven decades. The above mentioned survey numbers were classified as Vallikkankulam and Konarkulam tank. According to the petitioners, the above mentioned survey numbers are not a water tank and the same is used as a bus stand and market and the neighbors are also obtained house patta. The petitioners herein made several representations for issuing house patta. However, no action has been initiated. The petitioners are regularly paid house tax and they were made a representation, dated 14.11.2017 to classify the above mentioned lands and to grant house patta. Since no action has been taken, the petitioners are before this Court.

3.The learned Special Government Pleader appearing for the respondents filed a detailed counter. In the counter it has been stated that the land in survey No.247/1, measuring an extent of 7.38 acres, situated in Kottampatty Village, Melur Taluk, Madurai District is classified as "Konarkulam Tank Promboke" and lands in survey Nos.264/12 and 264/12B, measuring an extent of 7.38 acres, respectively, situated in Kottampatty Village, Melur Taluk, Madurai District are classified as "Vellikkankulam Tank Poramboke" as per revenue records. The learned Special Government Pleader submitted that the petitioners have encroached the above mentioned lands and constructed houses.

4.In the counter, it has been stated that as per judgment in W.P.Nos.20186 & 29342 of 2000, dated 27.06.2006, it has been held that no assignment should be made in water course prombokes and encroachment in water course prombokes is to be evicted. In W.P. No.1295 of 2009, dated 27.11.2015, it has been held that even tanks which do not fall within the purview of all said enactment also required protection from encroachment.

5.On perusal of the counter, it is seen that the above mentioned lands are classified as water body and on the settled proposition of law as held by the Hon'ble Supreme Court as well as this Court time and again that no encroachment should be tolerated over the water bodies, which constitute part of the precious natural resources. Hence, there is no merit in this writ petition.



6.Considering the facts and circumstances and also considering the above mentioned decisions, these writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
The Commissionerate of Land Administration,
Chepauk, Chennai-5.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Tahsildhar,
Melur Taluk,
Madurai District.

+1 CC to SGP (SR-16894[F] dated 15/09/2020)

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NR (13.10.2020) 3P 5C