

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11493 of 2021

M.Sundararaj

.. Petitioner

-vs-

1.The State of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Sub-Collector,
Pollachi,
Coimbatore District.

4.The District Revenue Officer,
O/o the Collectorate,
Coimbatore.

5.The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.

6.K.Somasundaram

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd and 3rd respondents to initiate appropriate action, cancel the patta in patta No.271 issued in favour of the 6th respondent for the water body covered under Survey No.42, Mannur village and consequently, remove the encroachment and restore the water body in the said land in a time bound manner.

For Petitioner : Mr.A.Mohamed Ismail
For Respondents : Mr.P.Muthukumar
Counsel for the State
of Tamil Nadu
(Respondent Nos.1 to 5)

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The writ petitioner complains of the issuance of patta No.271 to the sixth respondent as regards S.No.42 at Mannur Village, Pollachi Taluk, Coimbatore District.

2. The writ petitioner states that 16 acres in S.No.42 are a waterbody and that the issuance of patta in respect thereof to the sixth respondent is illegal.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1 to 5 and submits that there is an alternative remedy as regards cancellation of patta and that, therefore, the present writ petition is liable to be rejected.

4. The admitted position in this case is that a patta has been issued to the sixth respondent in respect of S.No.42 at Mannur Village, Pollachi Taluk, Coimbatore District. Consequently, the writ petitioner is required to initiate appropriate legal proceedings to cancel such patta, if the writ petitioner is of the opinion that the issuance of such patta is illegal.

5. Accordingly, without going into the merits of the dispute, W.P.No.11493 of 2021 is disposed of by granting leave to the writ petitioner to initiate appropriate proceedings before the District Revenue Officer, Coimbatore in relation to the cancellation of the patta issued in favour of the sixth respondent. If such proceedings are initiated after providing a notice to the sixth respondent and within a period of six weeks from the date of receipt of a copy of this order, the same shall be considered and dealt with by the fourth respondent in accordance with law. Both private parties concerned shall extend full co-operation to conclude such proceedings expeditiously. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Coimbatore District,
Coimbatore.
- 3.The Sub-Collector,
Pollachi,
Coimbatore District.
- 4.The District Revenue Officer,
O/o the Collectorate,
Coimbatore.
- 5.The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.

+1cc to the Government Pleader, S.R.No. 27363

W.P.No.11493 of 2021

SR II(CO)
GN(12/07/2021)

सत्यमेव जयते

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