

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.17136 of 2018

R.Selvam

.. Petitioner

Vs.

1.The District Collector
Office of District Collector
Nagapattinam District

2.The Revenue Divisional Officer (RDO)
Sergaye Revenue Division
Sergaye, Nagapattinam District

3.The Tahsildar
Sergaye Taluk
Nagapattinam District

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider petitioner representation dated 23.03.2018 regarding the issue of patta in respect of property situate at Thiruvankadu Village, Sergaye Taluk, Nagapattinam District in Survey No.142/2, Grama Natham land measuring an extent of 0.01.5 cents.

* * *

For Petitioner : Mr.B.Gandhi

For Respondents : Ms.A.Madhumathi
Special Government Pleader

O R D E R

This writ petition is filed for issuing a writ of mandamus directing the respondents herein to consider petitioner's representation dated 23.03.2018 regarding issuance of patta in respect of property in Survey No.142/2, in Thiruvankadu Village, Sirkali Taluk, Nagapattinam District.

2. Learned counsel appearing for the petitioner states that the property to which the petitioner seeks patta is in the enjoyment of the petitioner for a long time and that he is entitled to get house site patta by virtue of several orders of Government from time to time.

3. Learned Special Government Pleader, appearing for the respondents, on instructions, states that the property to which the petitioner seeks patta is classified as 'tank' and that patta cannot be granted in respect of a water body, as there are specific prohibitions.

4. Learned counsel appearing for the petitioner further states that the property in Survey No.142/2 Thiruvankadu Village, was classified as 'grama natham' and that therefore, patta has to be granted. If the land is classified as grama natham, it does not vest with the Government and the petitioner, if put up a construction for his residence and is in enjoyment of the property, is entitled to patta as per Natham settlement. If the property is classified as a water body, even the petitioner cannot seek assignment or patta in view of specific prohibition by statute as well as by executive orders. Apart from that, this court and the Hon'ble Supreme Court have issued several directions to the authorities of the State to remove all encroachments from the water bodies. However, the petitioner's application has to be considered in the light of several decisions and the executive orders of the Government.

5. Accordingly, without expressing any opinion on the merits of petitioner's contention, the third respondent is directed to consider the representation of the petitioner after holding an enquiry and ascertaining the revenue records and the physical enjoyment. In case the land is classified as grama natham the petitioner's request may be favourably considered, if he is in enjoyment of the property by putting up a construction. If the property is classified as water body, there is no scope for entertaining the application. The third respondent is directed to dispose of the representation of the petitioner in the light of the observations made by this court in this order, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

Asr

To

1.The District Collector
Office of District Collector
Nagapattinam District

2.The Revenue Divisional Officer (RDO)
Sergaye Revenue Division
Sergaye, Nagapattinam District

3.The Tahsildar
Sergaye Taluk
Nagapattinam District

+1CC TO MR.B.GANDHI, ADVOCATE, SR.NO. 18320

W.P.No.17136 of 2018

SR-II(CO)
KKN 30.04.2021



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