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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18889 of 2021

and

W.M.P.Nos.20156 & 20157 of 2021

(Through Video Conferencing)

A.Shekar ... Petitioner

Vs.

1.The District Collector,
Chengalpet,
Chengalpet District.

2.The Thasildar,
Pallavaram Taluk,
Chengalpet District.

3.The Assistant Engineer,
Public Works Department,
WRD Irrigation Section,
Padappai, Kanchipuram District.

4.The Assistant Settlement Officer (Enquiry-I),
Chengalpet District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to rectify the revenue records for the lands to an extent of 40 cents in S.No.302/9 and 30 cents in S.No.302/13 situated at Keelkattalai Village, Pallavaram Taluk, Chengalpet District as per the order passed by the fourth respondent dated 28.11.1974 in its Proceedings No.S.R.25/Sec.11(a)/PNI/74 and the consequential Patta issued in Patta No.1320.

For Petitioner : M/s.McGAM LAW FIRM

For Respondents : Mr.K.M.D.Muhilan
Government Advocate



ORDER

The petitioner has filed this writ petition to direct the first and second respondents to rectify the revenue records for the lands to an extent of 40 cents in S.No.302/9 and 30 cents in S.No.302/13 situated at Keelkattalai Village, Pallavaram Taluk, Chengalpet District as per the order passed by the fourth respondent dated 28.11.1974 in its Proceedings No.S.R.25/Sec.11(a)/PNI/74 and the consequential Patta issued in Patta No.1320.

2. The case of the petitioner is that in respect of the land, Patta had already been issued by the Assistant Settlement Officer (Enquiry-I), Chengalpet fourth respondent as early as 28.11.1974 to the petitioner's forefathers/ancestors.

3. That being the case, the petitioner had filed a representation dated 02.03.2020 for reclassification of Patta. However, the respondents have not passed any orders on the representation of the petitioner.

4. Appearing on behalf of the respondents, the learned Government Advocate submits that the order passed by the fourth respondent was erroneous and the aforesaid order has been passed in respect of a water body/lake. On instructions, the learned Government Advocate for the respondents submits that while demarcating the boundaries of the Keelkattalai water body/lake, there were objections from the petitioner in W.P.No.18889 of 2021.

5. In the above writ petition, the petitioner stated that the authorities without issuing any notice or intimations started to measure the boundaries of the said water body/lake and that the petitioner is the owner of the property measuring an extent of 40 cents in S.No.302/9 and 30 cents in 302/13 situated at Keelkattalai Village, Pallavaram Taluk, Chengalpet District as per the order passed by the Assistant Settlement Officer (Enquiry-I), Chengalpet fourth respondent herein.

6. The learned Government Advocate for the respondents on instructions further submits that the land in question stands classified as 'Eri Ulvoy' and that in respect of the same, Patta cannot be issued to the petitioner. It is submitted that the



Commissioner of Land Acquisition is taking steps to retrieve the land where there is an encroachment on the water bodies.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. I have perused the records/documents filed by the petitioner in respect of the present writ petition.

8. Considering the submission of the learned Government Advocate for the respondents, the issue as to whether the petitioner's property is situated on the water body/lake or not is to be decided by the respondents concerned.

9. Under these circumstances, the second respondent is directed to consider the representation 02.03.2020 of the petitioner and dispose the same within a period of twelve weeks from the date of receipt of a copy of this order. As the petitioner has filed representation to the first respondent, the petitioner is directed to serve a copy of the representation dated 02.03.2020 with the second respondent. Before passing such orders, the second respondent shall call upon the petitioner to give his additional representation, if any.

10. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Chengalpet,
Chengalpet District.

2.The Thasildar,
Pallavaram Taluk,
Chengalpet District.



3.The Assistant Engineer,
Public Works Department,
WRD Irrigation Section,
Padappai, Kanchipuram District.

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4.The Assistant Settlement Officer (Enquiry-I),
Chengalpet District.

+1CC to Mr.McGAM LAW FIRM, Advocate, SR.No. 45459

+1CC to The Government Pleader, SR.No.45840

W.P.No.18889 of 2021

and

W.M.P.Nos.20156 & 20157 of 2021

LN(CO)

B.VC (27/09/2021)