



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.4006 OF 2020

and

W.M.P(MD)No.3398 of 2020

Sangeetha

:Petitioner

.vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent not to take any action regarding the trees stand in S.No.278/1 and 279 classified as Odai and Kundru of Jamin Thevarkulam Village, Kovilpatti Taluk, Thoothukudi District pursuant to the show cause notice issued under Land Encroachment Act vide Na.Ka.No.Aa3/6507/2019, dated 29.10.2019 pending disposal of the appeal presented before the first respondent for grant of 2C patta in favour of the Petitioner with respect to the said trees.

For Petitioner :Mr.C.Selvakumar

For Respondents :Mr.B.Saravanan

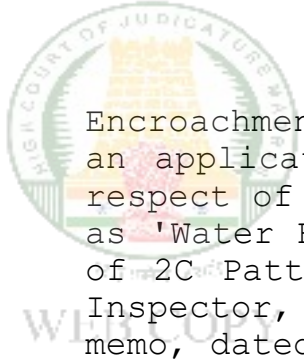
Govt.Advocate

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The Petitioner has filed the above Writ Petition seeking issuance of a Writ of Mandamus directing the second respondent not to take any action regarding the trees standing in S.No.278/1 and 279 classified as 'Odai' and 'Kundru' of Jamin Thevarkulam Village, Kovilpatti Taluk, Thoothukudi District pursuant to the show-cause notice issued under the Land Encroachment Act vide Na.Ka.No.Aa3/6507/2019, dated 29.10.2019, pending disposal of the appeal presented before the first respondent, for grant of 2C patta.

2.The Second Respondent has filed a Status Report, wherein, it has been stated that the Petitioner is an encroacher and to remove the encroachment in Odai, a notice under Section 7 of the Land



Encroachment Act was issued on 29.10.2019. The petitioner submitted an application, dated 12.11.2019 seeking issuance of 2C patta in respect of the trees located in Government Poramboke land classified as 'Water Body'. Since there is no provision available for grant of 2C Patta for the trees standing in the water body, the Revenue Inspector, Kazhugumalai was directed to remove the encroachment vide memo, dated 28.11.2019.

3. Since the land in question is a Government Poramboke land, classified as a 'Water Body', the prayer sought for in the Writ Petition cannot be granted, unless the authorities come to the conclusion that the Petitioner is in possession and occupation of some other land, not being a water body. We do not find any merits in the Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

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 District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Kovilpatti Taluk, Thoothukudi District.

+1 CC to M/s.SPL GP (SR-26505[F] dated 17/08/2021)

+1 CC to M/s.R.MEENAKUMARI, Advocate (SR-26683[F] dated 18/08/2021)

W.P (MD) NO.4006 OF 2020 and
W.M.P (MD) No.3398 of 2020
16.08.2021

PK (CO)
KB (24.08.2021) 2P 5C