



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.778 of 2020

C.M.P. (MD) No.4432 of 2020

in

WP (MD) .No.20723 of 2019

- 1.The District Collector,
O/o. The District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai District.
- 4.The Sub - Registrar,
O/o. The Sub - Registrar, Thirupuvanam,
Thirupuvanam,
Sivagangai District.
- 5.The Tahsildar,
Thirupuvanam,
Sivagangai District.
- 6.The Executive Officer,
Thirupuvanam Town Panchayat,
Thirupuvanam,
Sivagangai District.

... Appellants/Respondents

Vs.

- 1.K.Jayapandian
- 2.K.Jayapandi
- 3.J.Geetha
- 4.T.Thangam
- 5.S.Balamurugan
- 6.K.Chinnapitchai
- 7.G.Sankar
- 8.S.Parameswari
- 9.Tamil Selvi
- 10.P.Dinesh Prabharan

... Respondents/Writ Petitioner

Prayer : Appeal filed under Clause 15 of the Letters Patent Act against the order passed by this Court in W.P.(MD)No.20723 of 2019, dated 04.10.2019.

Prayer in WP(MD). 20723/ 2019 :

Writ Petition is filed under Article 226 of the
<https://hcservices.ecourts.gov.in/hcservices/>



Constitution of India, praying this Court Calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.C5/8657/2013 dated 08.12.2018 and quash the same as illegal.

For Appellant

: Mr.K.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathi Devi
Special Government Pleader

For Respondents

: Mr.M.Ajmalkhan
Senior Counsel

J U D G M E N T

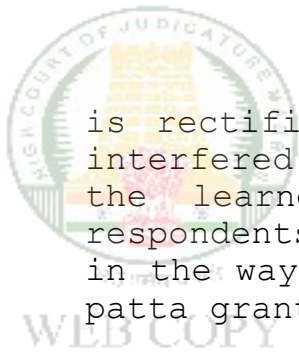
(Judgment of the Court was delivered by M.M.SUNDRESH, J)

Learned Single Judge, upon taking note of the fact that the property has changed hands and the classification still remains as individual patta as against the water body, namely, Vaigai river bed, held that the impugned order cannot be sustained. Challenging the same, the present appeal has been filed.

2.Learned Additional Advocate General appearing for the appellants submitted that the very change in classification itself is contrary to law. Therefore, all the transaction are void and consequently, the communications sent by the authorities cannot be questioned.

3.Learned Senior Counsel appearing for the respondents submitted that in the 'A' Register of 1978 the land is shown as private patta land. Thereafter, several sale deeds have been executed. Unless law prohibits, registration cannot be prevented, especially, when the classification remains as such. It appears the appellants have waken up only after order of this Court. But for the orders, the sale would have been happened, construction would have been put up. Even after the order of this Court, the appellants did not take any action to cancel the patta. *Per se*, registration is only a ministerial act and it does not involve title. Therefore, the appellants have proceeded in a wrong direction and issued a communication not to register any documents.

4.Though we find force in the submissions made by the learned Additional Advocate General appearing for the appellants, ultimately the relief granted is not interfered with as an attempt to cancel the private patta granted would be enough to rectify the irregularity. The observation of the learned Single Judge will not stand in the way of the appellants to cancel the patta and the communication sent cannot be construed as bad in law, since the order of the Division Bench is to the effect that water bodies will have to be protected and the documents relating to water bodies should not be registered. Unfortunately, as on today, the private patta has not been cancelled and until and unless the said anomaly



is rectified as required under law, the relief granted cannot be interfered with. However, we make it clear that the order passed by the learned Single Judge is attributed to the case of the respondents alone. Any such registration of documents will not stand in the way of the appellants taking appropriate steps to cancel the patta granted.

5.The Writ Appeal is disposed of accordingly. Consequently, connected C.M.P.(MD) No.4432 of 2020 is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
O/o. The District Collector,
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O/o. The District Revenue Officer,
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Thiruppuvanam,
Sivagangai District.



W.A.(MD)No.778 of 2020

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10250[F] dated
11/03/2021)

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KB (23.03.2021) 4P 8C