



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.11528 of 2021

and

W.M.P (MD) .Nos.9052, 9054, 9055 of 2021

A.Muthuraman

... Petitioner

Vs

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai, Madurai District.
3. The Chief Engineer,
Public Works Department,
Madurai Region,
Tallakulam, Madurai District.
4. The Executive Engineer,
Public Works Department,
Periyar Vaigai Basin Division,
Tallakulam, Madurai District.
5. The Tahsildar,
Thiruparankundram Taluk,
Madurai District.
6. Jeevan Auto Zone Pvt Ltd,
Rep. by its Manager,
Nilayur Tank,
Thiruparankundram Taluk,
Madurai District.
7. Madura Nursery School,
Rep. by its Secretary,
Nilayur Tank,
Thiruparankundram Taluk,
Madurai District.



8. Akshaya Ford,
Rep. by its Manager,
Nilayur Tank,
Thiruparankundram Taluk,
Madurai District.

9. Venkateswara Industrial Training Institute,
Rep. by its Principal,
Nilayur Tank,
Thiruparankundram Taluk,
Madurai District.

10. Aksara Montessori School,
Rep. by its Secretary,
Thiruparankundram Taluk,
Madurai District.

11. Pansy Vidyalaya,
Rep. by its Secretary,
Nilayur Tank,
Thiruparankundram Taluk,
Madurai District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.643/2020/C dated 29.05.2020 on the file of the respondent No.5 and quash the same as illegal and consequently direct the respondents 1,2 and 5 to cancel the patta issued to the respondents 6 to 11 and consequently direct the respondents 1 to 5 to restore the Nilayur periya Kanmoi to its original position and preserve the same within the time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

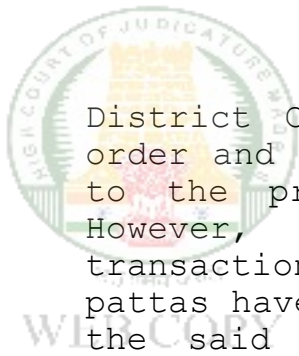
For respondents : Mr.A.K.Manickam,
Standing Counsel for Government
for R1 to R5

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1 to 5.

2. On perusal of the impugned order, we find that merely by seeking for quashing the impugned order, the waterbody cannot be restored. The Tahsildar has given an elaborate report to the



District Collector, Madurai, as could be seen from the impugned order and he has also pointed out certain discrepancies with regard to the procedure adopted by the Assistant Settlement Officer. However, ultimately, the Tahsildar would state that several transactions have taken place, the properties have changed and the pattas have been issued and more than 1400 families are residing in the said area. Therefore, merely by seeking for quashing the proceedings of the Tahsildar, dated 29.05.2020, the consequential relief cannot be granted. Therefore, the issue is of the larger magnitude.

3. Since we find that the impugned communication is an internal communication to the District Collector, Madurai District, we would direct the District Collector, Madurai District, to look into all the aspects and persuade the State Archives in Chennai to supply the relevant records and thereafter, give a detailed reply to the petitioner and in the meantime, the petitioner shall also undertake further research in the matter, as to how things have to be taken forward. The District Collector, Madurai District, is directed to pass orders within a period of six weeks from the date of receipt of a copy of this order.

4. With the above directions, this **Writ Petition stands disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note :

1. 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,
Madurai District,
Madurai.



2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai, Madurai District.

3. The Chief Engineer,
Public Works Department,
Madurai Region,
Tallakulam, Madurai District.

4. The Executive Engineer,
Public Works Department,
Periyar Vaigai Basin Division,
Tallakulam, Madurai District.

5. The Tahsildar,
Thiruparankundram Taluk,
Madurai District.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-22443[F] dated
14/07/2021)

+1 CC to M/s.SPL GP (SR-22697[F] dated 15/07/2021)

W.P. (MD) No.11528 of 2021
13.07.2021

PM(CO)
TR(20.07.2021) 4P 8C