



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13656 of 2021

A.Govindan

... Petitioner

**Vs.**

1. The District Collector,  
Office of District Collector,  
Tenkasi District, Tenkasi.
2. The District Revenue Officer,  
Office of the District Revenue Officer,  
Tenkasi District.
3. The Revenue Divisional Officer,  
Office of Revenue Divisional Officer,  
Tenkasi District.
4. The Tahsildar,  
Kadayanallur Taluk,  
Tenkasi District.
5. The Assistant Executive Engineer,  
Chittar Irrigation Division,  
Public Works Department,  
Ammansannathi, Tenkasi 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 respondent Nos.1 to 4 to provide alternative site of 23.40 square meters available land of Odaipuramboke in front of the petitioner's house as substitute for the petitioner's lands of 23.40 Square meters in Survey No.248/1,2 submerged with Kilangaadu Kulathu Odai of Survey No.249 in Nainaragaram Village, Kadayanallur Taluk, Tenkasi District, consequentially directing the fifth respondent to issue No Objection for the same, accordingly to effect necessary changes in the revenue records. By considering the petitioner's representation dated 20.07.2021, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen  
For Respondents : Mr.R.Baskaran  
Counsel for the State



**ORDER**

The petitioner seeks an alternative site of 23.40 Square meters from and out of the lands available in the Odaipuramboke in front of his house in lieu of lands measuring about 23.40 Square meters in Survey Nos.248/1 and 248/2, which the petitioner claims submerged with the Kilangaadu Kulathu Odai in Survey No.249 of Nainaragaram Village, Kadayanallur Taluk, Tenkasi District.

2. The petitioner states that his principal, Mr.A.Mariappan, purchased the vacant lands in Survey Nos.248/1 and 248/2 under registered sale deed bearing Document No.693/2013, dated 13.02.2013. It is stated that he also obtained Patta Nos.1334 and 2436 in respect of such lands.

3. The petitioner alleges that about 23.40 Square meters of the aforesaid patta land was submerged with the water channel in Kilangaadu Kulathu Odai. In such circumstances, it is stated that the petitioner has built a small building in the vacant space in front of his property. He seeks the allotment of 23.40 square meters of alternative site in the aforesaid facts and circumstances.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the respondents.

5. The relief claimed by the petitioner cannot be granted for several reasons. First, there is no evidence that 23.40 Square meters of the petitioner's land was submerged in Kilangaadu Kulathu Odai. Secondly, the petitioner seeks allotment of alternative land in land classified as Odai puramboke. It is not permissible to allot public land and especially lands that are classified as water bodies. Thirdly, unless there is a Government Order or Scheme that is applicable to persons similarly situated, the relief claimed by the petitioner cannot be granted merely because the petitioner has approached this Court.

6. For the reasons aforesaid, W.P.(MD).No.13656 of 2021 is dismissed without any order as to costs. Notwithstanding such dismissal, it is always open to the authorities concerned to consider the grant of an alternative site if supported by a relevant Government Order or Scheme in such regard.

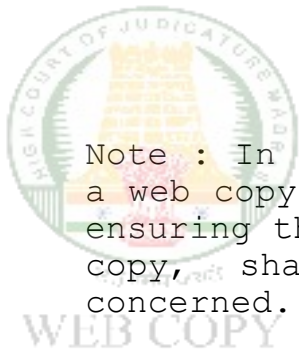
Sd/-

Assistant Registrar (RECORDS)

// 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,  
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