



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE M.DURAI SWAMY**

W.P. (MD)No.13798 of 2021

K.Krishnan

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.The Block Development Officer,
Block Development Office,
Thiruvadanai,
Ramanathapuram District.

5.Ramakrishnan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to cancel the patta issued in favour of the fifth respondent and to remove the encroachment in S.No.15/1, 15/2, 15/3, 16/1, 16/2 to have free flow of water into the Government Kanmoi poromboke and Odai Poromboke i.e. water bodies situated at Puliyur Village, Vellaiyapuram Post, Thiruvadanai Taluk, Ramanathapuram District, in the light of the petitioner's representation dated, 29.07.2021 within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.P.Thilakkumar

Standing Counsel for the Government
for R.1 to R.4

: Mr.Arun Swaminathan
for R.5



ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has come before this Court seeking for issuance of a writ of Mandamus, directing the respondents 1 to 4 to cancel the patta issued in favour of the fifth respondent and to remove the encroachment in S.No.15/1, 15/2, 15/3, 16/1, 16/2 to have free flow of water into the Government Kanmoi poromboke and Odai Poromboke i.e. water bodies situated at Puliyur Village, Vellaiyapuram Post, Thiruvadanai Taluk, Ramanathapuram District, in the light of the petitioner's representation dated, 29.07.2021 within a stipulated time as fixed by this Court.

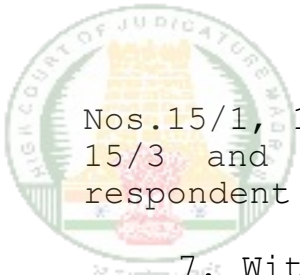
2. When the matter is called, Mr.S.Muthukumar, learned Counsel for the petitioner relied upon Village settlement register, to allege that the lands approved in Survey Nos.15/1. 15/2, 15/3, 16/1 and 16/2 are Odai Poromboke of Puliyur village and the same has been encroached upon by the private respondent, by getting patta. Therefore, for cancellation of patta and to remove the encroachment, the petitioner gave a representation on 29.07.2021. The petitioner alleges that the water bodies have been encroached upon by the private respondent by getting patta and therefore, he requests to cancel the patta issued to the private respondent.

3. Mr.P.Thilakkumar, learned Standing Counsel for the Government, who takes notice for the respondents 1 to 4 would submit that a survey has been conducted, based on the previous order passed by this Court in W.P.(MD)No.5091 of 2021 and it is found that Survey Nos.15/1 and 16/2 are water bodies and there is no encroachment. As far as the other survey numbers are concerned, they are private properties.

4. Mr.Arun Swaminathan, learned Counsel appearing for the private respondent would submit that the petitioner, repeating the very same prayer filed in W.P.(MD)No.5091 of 2021, filed by one Haridoss from the very same village, has filed the present writ petition. He would point out from the revenue records that Survey Nos.15/2, 15/3 and 16/1 are all patta lands and the private respondent has not encroached upon the water bodies, as alleged by the petitioner.

5. A perusal of the Village settlement register would reflect that Survey Nos.15/1 and 16/2 alone are water bodies and there is no encroachment, as per the statement of Mr.P.Thilakkumar, learned Standing Counsel for the Government. Even the lands comprised in Survey Nos.15/2, 15/3 and 16/1 are shown as patta lands.

6. In view of the above position, the prayer sought for by the petitioner cannot be granted, as there is no encroachment in Survey



Nos.15/1, 16/2. It is made clear that the lands in Survey Nos.15/2, 15/3 and 16/1 are all private lands, for which, the private respondent has got patta.

7. With the above observations, the Writ Petition is dismissed.
No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.The Block Development Officer,
Block Development Office,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-
26038[F] dated 12/08/2021)

W.P. (MD)No.13798 of 2021
10.08.2021

MGJ(18.08.2021) 3P 6C