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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6899 of 2020
and
W.M.P.No.8232 of 2020

1.Subramani

2.Dhanabakiyam

3.Govindaraj

... Petitioners

vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Coimbatore.

3.The Tahsildar,
Sulur Taluk,
Coimbatore.

4.The Village Administrative Officer,
Pattanam, Sulur Taluk,
Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, for a direction to consider the representation dated 11.11.2019 to grant patta in respect of land in our possession S.No.190 in Palaiyurmedu, Pattanam Village, Sulur Taluk, Coimbatore within the time stipulated by this Court.

For Petitioners : Mr.G.R.Deepak

For Respondents : Mr.S.Rajesh
Government Advocate



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the representation dated 11.11.2019 to grant patta in respect of their land comprised in S.No.190 in Palaiyurmedu, Pattanam Village, Suler Taluk, Coimbatore within the time stipulated by this Court.

2. The 1st petitioner has submitted representation dated 11.11.2019 before the 2nd and 3rd respondents for issuance of patta for their respective possession of land comprised in S.No.190 situated at Palaiyurmedu, Pattanam Village, Suler Taluk, Coimbatore District. While pending the writ petition, the 1st petitioner died.

3. On perusal of the counter affidavit dated 13.02.2021 filed by the 3rd respondent, revealed that the land comprised in S.F.No.190 situated at Palaiyurmedu, Pattanam Village, Suler Taluk registered as 'Manthai' in the revenue records, which is a Government Poramboke land and it is an objectionable Poramboke land and it is normally using for grazing by the cattle of the village. It is a water body and during the rainy season the rain water accumulated remains for several days making this land like a swamp area. The petitioners have encroached and occupied with a dwelling house ad-measuring 10' X 8' and also with two sheds roofed by cements sheets. The nature of the swamp land, a water body, their occupation were not regularised by the respondents. There is total ban on regularisation of encroachment on water bodies as it will causes damages to the people and their properties. Therefore, there is no possibility for issuance of patta to the petitioners. However, the representation of the 1st petitioner is pending before the 3rd respondent.

4. In the light of the above, the 3rd respondent is directed to pass orders on the representation dated 11.11.2019, after giving opportunity of hearing to the petitioners and legal heirs of the deceased 1st petitioner and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Secretary,
Revenue Department,
Fort St.George,
Chennai-600 009.
 - 2.The District Collector,
Coimbatore.
 - 3.The Tahsildar,
Sulur Taluk,
Coimbatore.
 - 4.The Village Administrative Officer,
Pattanam, Sulur Taluk,
Coimbatore District.
- +1cc to the Government Pleader, S.R.No.3038

W.P.No.6899 of 2020

PCH(CO)
SB(07/02/2022)