



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.17503 of 2009

M/s.Praveen Engineering Industries,
Represented by its Prop. V.Preveen,
930/1C, 32nd Ward Rayakotta Road,
Hosur, Krishnagiri District.

... Petitioner

Vs.

1. The District collector,
Krishnagiri District.

2. The District Revenue Officer,
Krishnagiri District, Krishnagiri.

3. The Sub-Collector,
Krishnagiri District, Hosur.

4. The Tahsildar,
Hosur, Krishnagiri District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records pertaining to the order of the 2nd respondent in his proceedings Na.Ka. No. 45864/2006/H1 dt 16.3.2007 and the order of the 1st respondent passed in his proceedings na. Ka. No. 14763/2009/H3 dt 17.7.2009 and quash the said orders dt 16.3.2007 and 17.7.2009 and quash the said orders dated 16.03.2009 and 17.07.2009.



For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.Yogesh Kannadasan, SGP

ORDER

This Writ Petition has been filed challenging the order of the 2nd respondent in his proceedings Na.Ka. No. 45864/2006/H1, dt 16.3.2007 and the order of the 1st respondent passed in his proceedings in Na. Ka. No. 14763/2009/H3 dt 17.7.2009.

2. The case of the petitioner is that the petitioner company, viz., M/s.Praveen Engineering Industries, situated at S.No.930/1-A and 942 of Hosur Village was started in the year 1990. The main activity of the petitioner company is in the process of manufacturing of doors and windows, body building, repairing and servicing four wheelers, which are used for agricultural purposes. Out of the lands wherein the petitioner industry is situated in S.No.942/1-C is patta land, which stands in the name of the proprietor's mother and S.No.930/1A measuring to an extent of 0.60 hectares and 942/2 extent 0.70 hectare is unassessed waste land as per revenue record, but the said land is in possession and enjoyment of the petitioner's grandfather since 1990. In the meanwhile, the Tamil Nadu Housing Board has acquired the petitioner's land comprised in S.No.942/1-C. Challenging



the said acquisition proceeding, the petitioner's mother and grandfather filed a writ petition in W.P.No.16750/1993 before this court and this Court allowed the same by quashing the proceedings of the said land acquisition. On 10.02.2006, the petitioner sent a detailed representation to the first respondent requesting assignment of land in S.No.942/2 which is pending for consideration. In that factual backdrop, the third respondent is trying to evict the petitioner company. Aggrieved thereby the petitioner had filed a writ petition in W.P. No. 36425 of 2006 before this Court. This Court vide order dated 15.11.2006 directed the respondents to consider and pass orders on the petitioner's representation. Pursuant to which, the second respondent rejected the claim made by the petitioner on 16.03.2007. When the matter stood as stated supra, the first respondent by an order dated 17.07.2009 had directed the respondents 3 and 4 to evict the petitioner company from the occupation of the land comprised in S.No.930/1-A and 942/2. Challenging the said proceedings, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the petitioner is in possession of the land, which is classified as unassessed waste land in the revenue records from the year 1990 and the petitioner has been



paying the taxes regularly. In respect of similar industry viz., Ambica Agricultural Engineering Industries, Hosur which applied for assignment of the unassessed waste land, the then District Collector, Dharmapuri had rejected their claim. But on the revision petition filed by the said firm, the Special Commissioner and the commissioner of land Administration, after enquiry, set aside the order of the District collector and was directed the Revenue officials to effect the assignment of the Government land, which was in possession of the said firm. The petitioner is also entitled for the similar relief and the petitioner is ready and willing to pay the land value that may be fixed by the respondents, otherwise, he is ready to provide any other alternative land in the very same village. The learned counsel prays to set-aside the impugned orders and allow this petition.

4. The learned Special Government Pleader appearing on behalf of the Government submitted that admittedly, the petitioner has encroached the land in S.No.930/1A, which is classified as Kulam Poromboke and in view of the decisions of this Court in W.P.No.1294 of 2009 dated 30.10.2015 and C.A.No.3418 of 2006 dated 08.08.2006, it is the duty of the authorities to maintain the water body in order to conserve water and other natural



resources. Hence, the claim made by the petitioner cannot be considered and the respondents have rightly passed the impugned order, which does not warrant any interference of this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner's grandfather established a company in S.No.942/1-C which is a patta land and stand in the name of the petitioner's mother and it is an admitted fact that the petitioner's grandfather encroached the adjacent land in S.No.930/1A, which is classified as Kulam Poromboke. In such circumstances, the petitioner made a request to the Government for assignment of the said land. After conducting detailed enquiry, the second respondent rejected the claim made by the petitioner.

7. Encroachments are affecting the developmental activities of our great Nation. Encroachment in water bodies are creating water scarcity, more specifically affecting the drinking water facilities to be provided to the citizen in the said locality. That being the factual position, this Court is of an



opinion that encroachments in water bodies and water resources are to be considered as serious offence. In the present case on hand, once the land is classified as water body poromboke, assignment cannot be granted in favour of the petitioner or any other third parties and further, the respondents have rightly passed the impugned orders and hence, this Court does not warrant any interference.

8. In the result, the writ petition is dismissed. No costs.

08.06.2022

Index: Yes/ No
Internet: Yes/No
rli

To

1. The District collector,
Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri District, Krishnagiri.
3. The Sub-Collector,
Krishnagiri District, Hosur.



4. The Tahsildar,
Hosur, Krishnagiri District.



WEB COPY



M.DHANDAPANI,J.

rli

W.P.No.17503 of 2009

08.06.2022