



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32201 OF 2012

AND

M.P.NO.1 OF 2012

K.Chenniyappan

...Petitioner

Vs.

1. The District Collector,
Erode.
2. The Revenue Divisional Officer,
Erode.
3. The Tahsildar,
Erode Taluk, Erode.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to permit the persons occupying the land in Survey Nos.88/2 and 89/2 in Kathirampatti Village from hanging the classification of the land from "Nilaviyal Odai" Patta to any other Patta and also prevent them from damaging or altering the structure of land.

For Petitioner : Mr.Naveenkumar Murthy

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

The petitioner has filed this Writ petition seeking issuance of a Mandamus to direct the respondents not to permit the persons occupying the land in Survey Nos.88/2 and 89/2 in Kathirampatti Village from hanging the classification of the land from "Nilaviyal Odai" Patta to any other Patta and also prevent them from damaging or altering the structure of land.



2. Though many grounds have been raised in the petition, however, on perusal of the counter filed by the respondents reveals that, the lands situated in Survey Nos.88/2 and 89/2 in Kathirampatti Village, Erode Taluk belongs to one R.Vadivel and 10 to 15 cents of their patta land was donated to Government. Hence, one sub division is classified as "Nilaviyal Odai" and the remaining portion is classified as Patta land in Patta No.203, and it belongs to the said Vadivel and four others. It is admitted that, in the revenue records the lands are mentioned as "Boosthi Odai", and not the entire lands are classified as Odai and the disputed lands are not Government poramboke land as per the Revenue records and also there is no proposal to change the classification of Odai into Patta land as stated by the petitioner as these two fields are already been classified as patta land with Patta No.203.

3. In view of the stand taken by the respondents, there being no dispute with regard to the classification of lands, this Court with going into the issue, directs the land owners not to alter the course of the water and there should not be any obstruction in the free flow of water through the disputed land and if the water flow is obstructed, penal action shall be initiated against the obstructor.

4. For the reasons stated above, the prayer in the present Writ petition cannot be acceded to and accordingly, it is dismissed with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector, Erode.
2. The Revenue Divisional Officer, Erode.
3. The Tahsildar,
Erode Taluk, Erode.

+1cc to the Government Pleader, High Court, Madras, S.R.No.9052

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and M.P.No.1 of 2012

SS(CO)
RLP(29/03/2022)