



W.P.No.33029 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.33029 of 2014

and

M.P.Nos.1 & 2 of 2014 and W.M.P.No.14049 of 2017

M.Arulmani

...Petitioner

Vs.

1. The District Collector,
Collectorate Buildings,
Tiruvannamalai District.
2. The Secretary,
P.W.D.
Chepauk, Chennai-5.
3. The Revenue Divisional Officer,
O/o. R.D.O.
Tiruvannamalai.
4. The Tahsildar,
Vandavasi Taluk,
Taluk Office, Tiruvannamalai District.
5. The Village Administrative Officer,
Reddikuppam Village,
Vandavasi Taluk, Tiruvannamalai District.
6. Palani



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7. Murugan

8. The Sub Registrar,
Peranamallur Sub Registration Office,
Peranamallur, Vandavasi Taluk,
Tiruvannamalai District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order Na.Ka.No.A2/6688-2013 dated 8.8.2013 passed by the 4th respondent herein, quash the same, consequently direct the respondents 1 to 5 to restore the pond measuring an extent 0.40.0 Hec. comprised in S.No.57 of No.50 Manickamangalam Village, Vandavasi Taluk, Tiruvannamalai District at the cost of the 6th & 7th respondents herein and to maintain the same as public pond as ever.

For Petitioner : M/s.Sneha
for Mr.Babu Rangasamy

For Respondents : Mr.P.Sathish, AGP, for R1 to R5 & R8
: Mr.S.V.Vijay Prashanth, for R6 & R7

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in respect of the order dated 08.08.2013 in Na.Ka.No.A2/6688-2013, quash the same and to consequently direct the respondents 1 to 5 to restore the pond measuring an extent of 0.40.0 Hec. comprised in S.No.57 of No.50 Manickamangalam Village, Vandavasi Taluk, Tiruvannamalai District at the



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cost of the 6th & 7th respondents and to maintain the same as public pond.

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2. The petitioner has come up with the miscellaneous petition in WMP.No.14049 of 2017, seeking to delete the 2nd respondent, as he is not the necessary party in this Writ petition. Since, no adverse order is being passed against the 2nd respondent, no further order is necessary, accordingly, the Miscellaneous petition in WMP.No.14049 of 2017 is closed.

3. The case of the petitioner is that the public pond comprised in S.No.57 situated at Manickamangalam Village is used by the petitioner and the 100 other families residing in the said village for agricultural purpose. Whiles, in the year 2012, the 6th respondent obliterated the northern and southern bund walls and attempted to restore the said pond to the ground level. Aggrieved by the same, the petitioner and the village people approached the Peranamallur Town Panchayat and upon enquiry, the petitioner came to know about the alleged sale deeds dated 08.07.2004, 19.03.2012 & 11.09.2012 registered as Doc.Nos.701/2004, 674/2012 & 2058/2012 respectively, as if the 6th respondent has purchased the said public pond from one Ranganathan, Prabavathy, Sampathammal and Balaji and patta issued in favour of the 6th respondent in respect of the subject



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pond. Immediately, the petitioner along with other village people made several representations before the official respondents herein seeking to restore the pond and pursuant to which, the 4th respondent herein sought for report from the Revenue Inspector and upon receipt of the report dated 26.06.2013, the 4th respondent has mechanically passed the present order under challenge in Na.Ka.No.A2/6688-2013 dated 08.08.2013, stating that the subject pond measuring an extent of 0.40.0 Hec stands in the name of the 6th & 7th respondents and one Kannamal and Govindammal, as per the revenue records and Patta No.322 in respect of the disputed property stands in the name of the aforesaid four persons. Hence, challenging the same, the present Writ petition is filed.

4. Learned counsel for the petitioner submitted that though the 6th respondent claims that they have purchased the disputed property during the year 2004, however, they have not furnished any revenue records prior to the year 1984 in order to substantiate their contentions. Further, from the reply given to the RTI application made by one Law Foundation, the petitioner came to know about the Revision Survey Re-Settlement Register of Wandiwash Taluk, in which the S.No.57 is shown as blank and not



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mentioned as well or tank. Hence, taking advantage of the same, the private respondents have manipulated the revenue records and taking steps to convert the public pond as agricultural land and if the same is done, the petitioner and the other village people will be put to great hardships, since the said pond is in existence time immemorial and it was used for irrigating about 100 acres of Nanja lands for a long time. He furthermore submitted that, even in the year 2005, the Block Development Office of Peranamallur Village has constructed a bund wall measuring about a length of 150 feet on the bank of pond to prevent accidents, which amply proves that the pond was in existence for quite long period and the private respondents are encroaching the same. Without verifying any of the above said facts, the 4th respondent has mechanically passed the present impugned order, merely based on the alleged sale deeds and the manipulated revenue records. Hence, he prayed for appropriate orders.

5. Learned counsel for the 6th & 7th respondents submitted that the subject property in S.No.57/1 is classified as Nanja Land and patta was also issued in favour of the predecessors in title and later the same was issued in favour of the private respondents in Patta No.322. He further submitted that,



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the petitioner wanted to purchase the subject property from the vendors, however, he failed to purchase the same and further, he is also giving continuous trouble to the private respondents from the date of purchase of the said property. He furthermore submitted that, the present order under challenge is a mere communication in between the 1st and 4th respondents and if any decision has to be taken, it will only be taken by the 1st respondent, however, the petitioner has hurriedly come up with this Writ petition, in order to wreck vengeance. Hence, he prayed for dismissal of this Writ petition.

6. On the above said contentions, heard learned Additional Government Pleader and perused the materials available on record.

7. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, as rightly pointed out by the learned counsel for the private respondents, the present order under challenge is a mere internal communication in between the revenue officials and if any final decision has to be taken with regard to the subject matter, the same to be taken by the 1st respondent / The District Collector and not



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by the 4th respondent. Further, the petitioner is in no manner aggrieved by the said order. Hence, this Court is of the view that, the petitioner has filed this Writ petition in a premature stage and the order impugned in this petition cannot be interfered with, as no specific grounds have been raised by the learned counsel for the petitioner.

8. For the reasons aforesaid, this Writ petitions is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

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Speaking Order : Yes/ No
Index : Yes/ No

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M.DHANDAPANI, J.

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