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W.P.No.26067 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26067 of 2022

M.Govindaraji

.. Petitioner

Versus

- 1.The Collector,
Office of the Collectorate,
Cuddalore District.
- 2.The Revenue Divisional Officer,
Office of the RDO,
Cuddalore District.
- 3.The Tahsildar,
Veppu Taluk,
Cuddalore District.

4.Mrs. Valambu

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the the respondents 1to 3 to remove the encroachment of the water channel situated in Survey No.209/8 Ja.Enthal Village, Veppur Taluk, Cuddalore, by the fourth respondent or any other person by cancelling patta in No.865 and restore the water channel in its earlier position.



WEB COPY



W.P.No.26067 of 2022

For Petitioner

: Mr.A.Satheesh

For R1 to R3

: Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the Court was delivered by The Hon'ble Acting Chief Justice)

Mr.M.Govindaraji, son of Ramaswamy Servai, resident of A.Kolathur Village, Cuddalore District, has filed this writ petition under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the respondents 1 to 3 to remove the encroachment put up by the fourth respondent or any other person over the water channel situated at Survey No.209/8, Ja.Enthal Village, Veppur Taluk, Cuddalore, by cancelling his patta issued in Patta No.865 and consequently to restore the water channel in its earlier position.

2. It is the argument of the learned counsel for the petitioner that the water channel is situated at Survey No.209/8 measuring an extent of 0.83.50 ares in Ja.Enthal Village, Veppur Taluk, Cuddalore District, and in the 'A' Register of the District, the said property is not shown in the name of any individual as it is a water channel. The fourth respondent also is having some lands around the water channel in Survey Nos.209/4, 5 and 6, whereas, in the FMB sketch, the said survey number is shown as water channel. The said property is classified as Oodai water channel and during the summer season, the water collected in the water body is used for drinking purpose, cattle feed and also for irrigation purpose. It is further stated that near the water body, there is a also Forest and many animals use the water



W.P.No.26067 of 2022

body to quench their thirst. Therefore, the petitioner submitted a petition before the Revenue Divisional Officer, Cuddalore District/second respondent, who, in turn, called for a report from the Revenue Inspector, Sirupakkam. Subsequently, the Revenue Inspector conducted an enquiry and submitted a report dated 28.09.2021, whereby it is stated that as per UDR 'A' Register, Survey No.209/8 measuring an extent of 0.83.50 ares is recorded as Government Waste Land, whereas, in FMB Sketch, the said land is registered as water channel poramboke. Thereafter, since no action was taken, the petitioner has filed this writ petition with a prayer cited supra.

3. Learned counsel for the petitioner relied on a report dated 28.09.2021 of the Revenue Inspector, Sirupakkam, wherein the land covered in Survey No.209/8 is shown as water channel. Therefore, it is his claim that any encroachment made in the water channel is liable to be removed.

4. It is, at this stage, Mr.P.Muthukumar, learned State Government Pleader, for the respondents 1 to 3, taking written instruction, placed before us a copy of the patta issued in the name of the fourth respondent, from which, it is seen that one Mr.Arumugha Udayar, husband of fourth respondent, is the pattadar of the land covered in Survey No.209/8 of Ja.Enthal Village, Veppur Taluk, Cuddalore District. Therefore, since the patta admittedly stands in the name of the fourth respondent's husband, in our considered view, the petitioner has to approach the Revenue Divisional Officer for cancellation of patta, if he is so aggrieved. In such view of the matter, we do not find any merit in the writ petition and



W.P.No.26067 of 2022

accordingly, it is dismissed. No Costs.

WEB COPY

(T.R., ACJ.) (D.K.K., J.)
28.09.2022

rkm

Index:yes/no

Speaking/non-speaking

To

- 1.The District Collector,
Kallakurichi.
- 2.The Revenue Divisional Officer,
Kallakurichi.
- 3.The Tahsildar,
Chinnasalem, Kallakurichi District.
- 4.The Block Development Officer,
Chinnasalem, Kallakurichi District.



WEB COPY



W.P.No.26067 of 2022

and
D.KRISHNAKUMAR, J.
rkm

W.P.No.26067 of 2022

28.09.2022