



W.P(MD)No.13605 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.13605 of 2022
and
W.M.P(MD)Nos.9667 and 11173 of 2022**

A.Pitchai

... Petitioner

VS.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Tahsildar,
Thiruverumbur Taluk,
Thiruverumbur,
Trichy District.
- 3.The Commissioner,
Thuvakudi Municipality,
Thuvakudi,
Trichy District.
- 4.The Sub Registrar,
O/o. The Sub Registrar,
Thiruverumbur,
Trichy District.



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5.The Executive Engineer,
River Conservation Division (PWD),
O/o.River Conservation Division,
Trichy.

6.The Executive Engineer,
TANGEDCO,
Thuvakudi South Section Office,
Thuvakudi,
Trichy District.

7.Jermaiah

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to cancel the patta Nos.1833, 1834 & 7031 which are in the name of the seventh respondent and consequently, directing the respondents 1 to 6 to remove all the encroachments made in Velakulam Tank in S.F.Nos.372/1 to 372/5, based on the petitioner's representation, dated 02.05.2022.

For Petitioner : Mr.S.Krishnan

For RR 1, 2, 4 & 5 : Mr.P.Thilak Kumar
Government Pleader

For R – 6 : Mr.S.Deena Dhayalan

For R – 7 : Mr.G.Thalaimutharasu



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ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to cancel the patta Nos.1833, 1834 & 7031 which are in the name of the seventh respondent and consequently, directing the respondents 1 to 6 to remove all the encroachments made in Velakulam Tank in S.F.Nos.372/1 to 372/5, based on the petitioner's representation, dated 02.05.2022.

2.The learned counsel appearing for the petitioner submitted that though this Court, by order, dated 18.12.2006 in W.P(MD)No.4319 of 2006, directed the official respondents to remove the encroachments in Velakulam water body, no fruitful action has been taken. According to the learned counsel, Survey No.372 was not sub-divided at the time of filing of W.P(MD)No.4319 of 2006. Thereafter, the petitioner obtained information under the RTI Act to the effect that Survey Nos.372/1 and 372/4 alone are water bodies and rest of the sub-divisions, namely Survey Nos.372/2, 372/3 and 372/5 are patta lands. Thereafter, the petitioner filed W.P(MD)No.5406 of 2017, seeking removal of encroachment in Survey Nos.372/1 and 372/4,



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in which, this Court, by order, dated 28.03.2017, has directed the fifth respondent herein to look into the representation dated 11.01.2017. Thereafter, contending that there are lots of confusion revolve around the aforesaid sub-divisions and the seventh respondent obtained patta illegally in respect of Survey Nos.372/2, 372/3 and 372/5, the petitioner made a representation, dated 02.05.2022 to the authorities concerned seeking cancellation of the patta obtained by the seventh respondent and finding no heed to it was paid, he has filed this Writ Petition.

3.On 29.06.2022, this Court passed the following order:-

"As per the settlement 'A' Register and 'A' Register prepared after UDR, the entire extent in Survey No.372 viz., 28.79.5 hectares is classified as a water body known as Velakulam.

2. The learned counsel for the petitioner has produced before this Court the settlement 'A' register indicating that the entire extent has been classified as Velakulam. However, there was a correction in 2001 as if some portions of the Velakulam has been sub-divided into Survey Nos.372/2, 372/3 and 372/5 indicating that some private persons have been given patta. The specific contention of the petitioner is that the 7 th



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WEB COPY respondent is now developing the entire land by forming a lay out.

3. It appears that the 7th respondent is promoting a lay out in the name of Jermaiah Garden indicating that the entire lay out has been approved by the Town and Country Planning authorities and the local body has also permitted.

4. Since this Court is convinced from the old revenue record that the property is a water body and no substantial document is produced before this Court that the classification of the land as per the settlement proceedings had been changed subsequently by the order of the Civil Court or by the appellate forum, this Court suspects some foul play by which the 7th respondent and others could obtain separate patta. Therefore, while issuing notice to the 7th respondent, this Court directs the official respondents to produce the entire revenue records relating to Survey No.372 in Thuvakudi Village, Thiruverumbur Taluk, Trichy District. The 7th respondent shall not develop any portion of the lands in Survey No.372/2, 372/3 and 372/5 and there shall not be any alienation either by the 7th respondent or by anyone claiming under him, until further orders.

5. The petitioner is directed to implead the District Revenue Officer as a party."



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4.Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1, 2, 4 and 5 submitted that it is now ascertained from the revenue records that the pattas have already been issued in respect of Survey Nos.372/2, 372/3 and 372/5 as the said survey numbers are not classified as water body and only Survey Nos.372/1 and 372/4 are classified as water body in the revenue records.

5.The seventh respondent has filed a counter-affidavit denying the allegations made in the Writ Petition.

6.In view of the abovesaid submissions, this Writ Petition is disposed of with liberty to the petitioner to approach the competent revenue authority, if he is aggrieved by the patta issued in favour of the seventh respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
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[R.M.D.,J.] [J.S.N.P.,J.]
23.11.2022



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ps

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