



W.P(MD)No.19665 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19665 of 2022

and

W.M.P.(MD)No.14372 of 2022

P.Murugan

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Theni,
Theni District.

2.The Tahsildar,
O/o the Tahsildar,
Bodinayakanur,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1909/2022/A3 dated 22.07.2022 and quash the same as illegal and consequently to direct the 2nd respondent to issue patta in the name of the petitioner in respect of the petitioner's property admeasuring to an extent of 310 square feet in S.No.596/2, situated at Block No.3, Town Survey Ward 4, Bodinayakanur, Theni District in 450 dated 14.10.1987 and Resolution No.430 dated 30.09.1987.



WEB COPY



W.P(MD)No.19665 of 2022

For Petitioner : Mr.V.Karthik Raja
for M/s.Ajmal Associates

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned order passed by the second respondent whereby a request for issuance of patta had been denied.

3. The learned Additional Government Pleader appearing for the respondents has produced the copies of the revenue records which indicate that the property in question is a water body. The Hon'ble Apex Court as well as the Madras High Court have been repeatedly holding that there cannot be any assignment in respect of the water bodies. The learned counsel appearing for the petitioner asserts that he has a civil court decree in his favour.

4. It is true that the decree of injunction has been granted in O.S.No.147 of 1983 on the file of the District Munsif Court, Uthamapalayam. I went through the pleadings set out in the said judgment. There is a clear indication therein that the petition mentioned property is a water body. In the said civil



W.P(MD)No.19665 of 2022

suit, the Government was not a party. Therefore, the said decree will not bind the Government .

5. In these circumstances, the impugned order passed by the second respondent cannot be faulted. I do not find any ground to interfere. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
O/o. The District Collector,
Theni,
Theni District.

2.The Tahsildar,
O/o the Tahsildar,
Bodinayakanur,
Theni District.



WEB COPY



W.P(MD)No.19665 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.19665 of 2022

25.08.2022