



W.P.No.7399 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7399 of 2023

and

W.M.P.No. 7480 of 2023

1. N.Parasuraman

... Petitioner

vs.

1. The Special Commissioner,
Land Administration Dept.,
Chepauk, Chennai.

2. The District Collector,
Cuddalore District, Cuddalore.

3. The District Revenue Officer,
Cuddalore District, Cuddalore.

4. The Sub Collector,
Chidambaram, Cuddalore District.

5. The Asst. Director,
Land Survey Department,
Cuddalore District, Cuddalore.

6. The Tahsildar,
Chidambaram Taluk,
Cuddalore District.



W.P.No.7399 of 2023

7. The Zonal Deputy Tahsildar,
Chidambaram, Cuddalore District.

8. The Revenue Inspector,
Thiruvakkulam, Chidambaram Taluk,
Cuddalore District.

9. Village Administrative Officer,
Perambattu, Keelkundalapadi Vilalge,
Perambattu Post, Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Proc.No.G1/ 23802/ 2015 dated 28.03.2022 and quash the same and further direct the respondents to re-classify the lands and to issue patta in favour of the petitioner in respect of the land admeasuring acres 2.50 in Old Survey Nos.118, 140, 142, 166 and 168 (Presently classified as river poramboke in R.S.No.84/1) Keelkundalapadi Village, Perambalur Post, Chidambaram Taluk, Cuddalore District.

For Petitioner : Mr.A.Ilangovan

For Respondents :
(for R1 to R9) : Mr.R.Raman Laal,
Additional Advocate General,
assisted by
Mr.G.Krishna Raja,
Additional Government Pleader



W.P.No.7399 of 2023

WEB COPY

ORDER

The writ on hand has been instituted questioning the validity of the order dated 28.03.2022, passed by the Commissioner of Land Administration and to direct the respondents to reclassify the land and issue patta in favour of the writ petitioner in respect of the land admeasuring acres 2.50 in Old Survey Nos.118, 140, 142, 166 and 168 (Presently classified as river poramboke in R.S.No.84/1) Keelkundalapadi Village, Perambalur Post, Chidambaram Taluk, Cuddalore District.

2.The petitioner states that the subject property more fully described in the present writ petition was inherited by the petitioner from his forefathers. The grandfather of the writ petitioner, Mr.Perumal Padayachi and his brother Mr.Krishnasami Padayachi made representation to the Government since 1961, stating that their lands were wrongly classified as River Poramboke. The petitioner states that the Revenue Divisional Officer, Cuddalore, vide proceedings dated 21.07.1961, had wrongly treated the petitioner's forefathers as encroachers and confirmed the order of penalty levied upon them.



W.P.No.7399 of 2023

3.The petitioner states that the subject property is not a River Poramboke but erroneously classified as River poramboke. The petitioner raised several such contents stating that he is the owner of the property. The petitioner earlier filed a writ petition in W.P.No.32944 of 2006 for a mandamus to direct the respondents to issue patta in favour of the writ petitioner in respect of the subject property. This Court passed an order on 23.01.2013, directing the petitioner to given a fresh representation to the Tahsildar, Chidambaram Taluk, who in turn was directed to pass appropriate orders after affording opportunity to the writ petitioner.

4.The writ petitioner thereafter filed another writ petition in W.P.No.30490 of 2015 challenging the order dated 30.03.2015 passed by the Tahsildar and to direct the respondents to reclassify the land and to issue patta in his favour in respect of the subject property. This Court again passed final orders on 13.09.2021, remanding the matter back to the first respondent for fresh consideration. The first respondent Special Commissioner Land Administration Department was directed to consider all the grounds and pass appropriate orders. Pursuant to the directions issued by this Court, the present impugned order has been passed.



W.P.No.7399 of 2023

5.The Commissioner of Land Administration conducted an enquiry by affording opportunity to the writ petitioner. The contentions of the writ petitioner were considered by the Commissioner of Land Administration by scrutinising the documents presented by both the writ petitioner and the Department. The land measuring 2.50 Acres is the subject matter of the application submitted by the writ petitioner. The writ petitioner seeks reclassification of the River Poramboke as private patta land. In this context, it is useful to extract findings of the Commissioner of Land Administration in the impugned order which reads as under:

“The arguments, written statements along with documents submitted by the petitioner have been carefully examined and considered. The relevant revenue records have also been perused. The claim of the petitioner has been carefully examined and other connected records have also been verified. As stated by the District Revenue Officer the petitioner has relied on the Settlement Register of the year 1892. It would be pertinent to mention that the first survey and settlement was conducted between the years 1887 to 1893. Only during the Resurvey and Resettlement in the year 1924 the defects and errors committed in the initial survey were rectified and new notations were given. Due to change of course in the Coleroon River, the correct boundary of the



W.P.No.7399 of 2023

river was demarcated in the Resurvey. The other factor the petitioner has relied upon is in the remarks column of village 'A' Register wherein it has been mentioned that 'இவைகள் ராஜினாமா கொடுக்கப்படவில்லை' which means the lands were not given assignment by Government. However the petitioner has misconstrued the sentence and stated that neither his grandfather nor his father granted these lands to Government. Apart from that, it is a settled matter that the land claimed by the petitioner has all along been 'Kollidam River Poramboke'. The petitioner cannot stake claim only on the basis of entry of his grandfather's name in the Settlement Register of the year 1892. Even in the UDR 'A' Register too, the land was as "Kollidam River Poramboke". The village Adangal register shows that he is one among many persons who have encroached the River Poramboke land in S.No.84/1.

In these circumstances the request of the petitioner is rejected."

6.The above findings made by the Commissioner of Land Administration unambiguously stipulates that the subject property has been classified as "Kollidam River Poramboke". The findings are given after affording opportunity to the writ petitioner to establish his case. Water bodies cannot be reclassified or assigned in favour of any person. Even the



W.P.No.7399 of 2023

encroachments in water bodies have to be removed for the benefit of the public at large. The Hon'ble Supreme Court of India and the High Courts across the country emphasise that the water bodies are to be protected for the well being of the living creatures and human, and therefore, petitioner has not established his case before the Commissioner of Land Administration and not even before this Court. The Court cannot issue any direction to reclassify the River Poramboke and therefore, the petitioner is not entitled for the relief as such sought in the present writ petition.

7. Accordingly, the writ petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

07.07.2023



W.P.No.7399 of 2023

To
WEB COPY

1. The Special Commissioner,
Land Administration Dept.,
Chepauk, Chennai.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The District Revenue Officer,
Cuddalore District, Cuddalore.
4. The Sub Collector,
Chidambaram, Cuddalore District.
5. The Asst. Director,
Land Survey Department,
Cuddalore District, Cuddalore.
6. The Tahsildar,
Chidambaram Taluk,
Cuddalore District.
7. The Zonal Deputy Tahsildar,
Chidambaram, Cuddalore District.
8. The Revenue Inspector,
Thiruvakkulam, Chidambaram Taluk,
Cuddalore District.
9. Village Administrative Officer,
Perambattu, Keelkundalapadi Vilalge,
Perambattu Post, Chidambaram Taluk,
Cuddalore District.



WEB COPY



W.P.No.7399 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.7399 of 2023

07.07.2023