



WEB COPY

W.P.No.8111 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8111 of 2023

and

W.M.P.No.8360 of 2023

A.Balaji

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Cuddalore District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Cuddalore District.
- 3.Thashildar,
Taluk Office,
Veppur, Cuddalore District.
- 4.The Block Development Officer,
Mangalore Panchayat Union,
Mangalore, Cuddalore District.
- 5.Kamalakannan
- 6.Poongavanam
- 7.Chinnasamy



8.Rajavelu

9.Muthaiya

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st to 3rd respondents from issuing the patta in S.F.No.342/1, 342/4, 348/1 which is situated at Oorangur Village, Veppur Taluk, Cuddalore District to 5th to 9th respondent.

For Petitioner	: Mr.P.Saravanan
For R1 to R3	: Mr.C.Jayaprakash Government Advocate
For R4	: Dr.S.Suriya
For R6 to 8	: Mr.G.Mohan
For R5 & R9	: No Appearance

ORDER

The relief sought for in the present writ petition is to forbear the respondents 1 to 3 from issuing the patta in S.F.No.342/1, 342/4, 348/1, which is situated at Oorangur Village, Veppur Taluk, Cuddalore District to respondents 5 to 9.



2. The petitioner states that the Survey No.349 is classified as water poromboke (Oodai Poromboke), which was occupied by the respondents 5 to 9 as well as they obstructed the pathway to reach the agricultural land belonging to the petitioner. The petitioner had given a representation to remove the encroachments. Thereafter, he filed a Suit in O.S.No.259 of 2015 to remove the encroachment in the water body. Based on the terms of the settlement, the authorities agreed to remove the encroachments.

3. In this context, the petitioner had also given a representation. Since no action has been taken, the petitioner is constrained to move the present writ petition.

4. The learned Government Advocate appearing on behalf of the respondents 1 to 3 relying on the written instructions given by the Revenue Tahsildar, Veppur, Cuddalore District dated 16.03.2023 made a submission that the encroachments in the water body and pathway had already been removed. The Tahsildar has further stated that the encroachments cannot be permitted in the said pathway and also in the water body.



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5. The learned counsel appearing on behalf of the 4th respondent also submitted a copy of the written instruction given by the Block Development Officer, Mangalore Panchayat Union, Mangalore, Cuddalore District stating that Survey No.348/1 is falling under the control of the Rural Development Department and it is being utilised as பாதை புறம்போக்கு and the land is required for the purpose of expansion of road projects in future and therefore, the patta cannot be granted in respect of the said Survey No.348/1.

6. The authorities categorically stated that the subject property as stated in the writ petition are classified as water body and pathway and therefore, the patta cannot be granted.

7. This being the factum, the relief as such sought for by the petitioners have already been considered and the encroachments on the water body and pathway were evicted and therefore, the authorities hereinafter cannot grant patta in respect of the water body and pathway.



8. With these observations, this writ petition stands disposed of. No costs.

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

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