



W.P.No.9039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9039 of 2023

and

W.M.P.No.9165 of 2023

- 1.Padam Chand Jain
- 2.Sunita Jain
- 3.Neeraj Jain

...Petitioners

-Vs-

- 1.The District Collector,
Chengalpet District.
- 2.Special Tahsildar [Town Settlement],
Pallavaram.
- 3.The Revenue Divisional Officer,
GST Road,
Tambaram West,
Chennai – 600 045.
- 4.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthunatarajan Building,
No.1, Gandhi Irwin Building,
Egmore, Chennai – 600 008.



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5.The Executive Engineer,
Public Works Department,
Keezhpalar Basin Division,
Kancheepuram – 631 501.

6.The Commissioner,
Tambaram City Municipal Corporation,
[Formerly Pallavaram Municipality]
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection letter of 5th respondent in No.EVA1/Ko.28 (NOC-Keelkatalai) 2022 dated 06.02.2023, quash the same and consequently direct the 5th respondent to grant NOC, pending upload of online 'A' Register by the 3rd respondent so far as the petitioner's land in plot Nos.1, 2, 3 and 4, MK Nagar, 1st Street, Block No.9, Ward No.H, Old Survey No.303/8, T.S.No.5/16, 5/17, & 5/18 patta bearing R.PT 371, 372, 373 respectively in Keelkatalai Village, Pallavaram Taluk, Chengalpet District.

For Petitioners : Mr.T.Saravanan

For R1 to R3
& R5 : Mr.E.Sundaram
Government Advocate

For R4 & R6 : No appearance



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ORDER

The order dated 06.02.2023 passed by the Executive Engineer, Water Resources Organisation Department is under challenge in the present writ petition.

2.The writ petitioners state that they are the absolute owners of Plot Nos.1, 2, 3 and 4, MK Nagar, 1st Street, Block No.9, Ward No.H, Keelkatalai Village, Pallavaram Taluk, Chengalpattu District. The petitioners state that the subject land was classified as ryotwari punjai land as per the Village records. The petitioners submitted the application for removal of classification from 'Yeriulvai' to 'House site'.

3.The learned counsel appearing for the petitioner relied on the communication earlier issued by the Tahsildar and contended that the subject property is not a water body and is a house site. Further it is situated nearby water body and therefore the authorities have misconstrued the same.



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4.The Executive Engineer, Water Resource Organization in his letter dated 06.02.2023 addressed to the Superintending Engineer clearly stated that he has conducted an inspection and as per the revenue records the subject property was classified as 'Yeriulvai'. In view of the fact that it is a water body, No Objection Certificate cannot be issued by the authorities of the Water Resource Organization.

5.The revenue authorities and the competent authorities of the Water Resources Organization are bound to coordinate with each other for the purpose of identifying the water bodies, Government poramboke land, etc. There are large scale illegalities at the instance of many persons in dealing with the properties on account of sky rocketing market prices of lands. Greedy men are attempting to grab the public properties and water bodies for personal gains. In many places, the authorities are also in collision with such greedy men and the Government properties are illegally dealt with and several documents are created in order to convert the public properties. All such attempts are to be thwarted. In the event of any involvement of public officials, criminal actions are to be initiated and therefore the authorities



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issuing a letter without proper verification at no circumstances be accepted.

There cannot be any contradiction of any classification of land and water bodies.

6.In the present case, the Water Resources Organization in clear terms held that the subject property is classified as 'Yeriulvai' and therefore, No Objection Certificate cannot be issued in favour of the writ petitioners. The writ petitioners are relying on certain letters issued by the Tahsildar.

7.The learned Government Advocate states that the petitioners have not even produced any document to establish their title or otherwise.

8.This being the factum, the first respondent/District Collector is directed to find out the correct classification of the property and if it is a water body, then all appropriate steps are to be taken to evict the encroachers from the water body and protect the same as per the judgment of the Hon'ble Supreme Court of India and the High Court.



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WEB COPY 9. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

cse



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To

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S.M.SUBRAMANIAM, J.

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