



WEB COPY

W.P.No.106



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10607 of 2023

and

W.M.P.Nos.1058 and 10559 of 2023

A.Krishnan

... Petitioner

Vs.

1.The Secretary to the Department of Revenue,
Secretariat, Chennai – 600 009.

2.The District Collector,
Dharmapuri District.

3.The District Revenue Officer (DRO),
Dharmapuri District.

4.The Tahsildar,
Palacode Tahsildar, Dharmapuri District.

5.Nadesa Udayar

6.Jagatheesa Udaiyar

7.Vetrivel

8.Balamurugan

9.Pandiyan @ Munniya Udaiyar

10.Ramesh

11.Kumaravel Udaiyar

12.Parasakthi

13.Valli

14.Vetrichelvan



15.Dharumabun
16.Perumal
17.Radha
18.Manikandan
19.Murugesan
20.Shiva Lingam
21.Maarimuthu
22.Karthik
23.Kumar
24.Chinnapaiyan
25.Senthilkumar
26.Vijayakumar
27.Shanmugaraja
28.Vedi Gounder

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the order of the 3rd respondent in N.M.No.27972/2021/P2 dated 16.11.2022, quash the same so far as the petitioner's property is concerned set out in the Writ Petition.

For Petitioner	: Mr.P.Satheesh Kumar
For R1 to R4	: Mr.V.Arun, Additional Advocate General
For R14	: Mr.R.Bharath Kumar
For R16	: Mr.G.Mohammed Aseef
For R8, R15, R21 to R23, R28	: No appearance
For R5 to R7, R11	: Deceased – steps due
For R9, R10, R12, R13, R17 to R20, R24 to R27	: Not ready in notice



ORDER

The Writ on hand has been instituted questioning the validity of the order passed by the District Revenue Officer, Dharmapuri in Proceedings dated 16.11.2022.

2. The petitioner states that he is the absolute owner of the property admeasuring 22 cents in S.No.312/2 and 4.90 Acres in S.No.24, Marandahalli Village, Palacode Taluk, Dharmapuri District. The second property in S.No.24, Marandahalli Village, Palacode Taluk, Dharmapuri District is the subject matter of the present Writ Petition.

3. The grievances of the writ petitioner is that the District Revenue Officer had conducted an enquiry without affording any opportunity to the writ petitioner and passed the impugned order cancelling the Patta granted in favour of the petitioner and other persons.

4. The learned counsel for the petitioner mainly contended that an opportunity of hearing is mandatory and thus, the principles of natural justice has been violated. More so, a Civil Suit in O.S.No.159 of 2021 has been instituted on the file of the Principal District Court, Dharmapuri, which is pending and it is brought to the notice of this Court that the Revenue Authorities are all parties in the Civil Suit.



5. The learned Additional Advocate General appearing on behalf of the State furnished a copy of the revenue records to establish that the subject land has been classified as 'Kuttai', which is a water body. The FMB Sketch also reveals that the portion of the land has been classified as 'Kuttai', which is a water body. The Proceedings dated 15.10.1975, initiated under Section 11-A of the Tamil Nadu Estates (Abolishment and Conversion of Ryotwari) Act, 1948 reveals that the authorities competent had cancelled the Pattas granted in favour of the individuals in respect of the subject property to an extent of 13.66 Acres in Survey No.24. The said order further states that the land belongs to the Government and is classified as water body. The said Proceedings were initiated and an order was passed by affording opportunity to the original Pattadhars and the said order was communicated to the persons. Thereafter, necessary changes were also effected in the revenue records and accordingly, the subsequent purchase made by the petitioner is unlawful and consequently invalid.

6. As per the revenue records now submitted before this Court, the subject land to an extent of 13.66 Acres is classified as 'Kuttai', which is a water body and therefore, providing further opportunity to the writ petitioner will end in futile exercise, as water bodies cannot be assigned nor Patta can be issued in favour of the individuals.



7. The water bodies are to be protected for preserving water resources and the Apex Court as well as this Court has time and again emphasised that Patta cannot be granted in respect of the water bodies.

8. In view of the facts and circumstances, this Court do not find any infirmity in respect of the order passed by the respondents and accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

26.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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