



WEB COPY

WP No.12219 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12219 of 2021

K.Vijayakumar

... Petitioner

Vs.

1.The District Collector,
Thiruvallur,
Thiruvallur District-602 001.

2.The Tahsildar,
Thiruthani Taluk Office,
Thiruthani Taluk,
Thiruvallur District-631 209.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent, namely the District Collector, Thiruvallur, Thiruvallur District-602 001 to consider and pass orders on the representation of petitioner dated 24.06.2020 for issuance of patta.



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For Petitioner : Ms.G.Radhika
For Respondents : Mr.E.Sundaram,
Government Advocate.

ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider and pass orders on the representation submitted by the petitioner on 24.06.2020.

2. The petitioner states that he is an agriculturist and is owning a piece of patta land in Panthala Kandigai Village in Survey Nos.100/4A, 100/4B and 100/10. Adjacent to his patta lands, there is a piece of Government Poramboke land, classified as 'Lake Canal' in Survey No.129, which comes around 84 cents. The petitioner further states that he is in possession of the said Government Poramboke land and in enjoyment for the past many years.

3. Based on the continuous possession, the petitioner submitted representation to grant patta in respect of the said land. Since it was not considered, the petitioner is constrained to move the present writ petition.



4. The petitioner in his sworn affidavit filed in support of the present writ petition in paragraph-2 categorically admitted the fact that the subject property has been classified as 'Lake Canal'.

5. When the subject property is a water body, the petitioner is not entitled to claim patta in respect of the said portion of the property. The petitioner is already owning lands in the very same village and therefore, he is not entitled for any free house site patta or otherwise from the hands of the Government under the Scheme. More-so, the petitioner is an encroacher in respect of the water body, which is classified as 'Lake Canal' in Survey No.129 to an extent of 84 cents.

6. Encroachments in water bodies are to be removed and all such encroachers are to be evicted and the Authorities Competent are bound to maintain the water body for the benefit of the people at large.

7. The Constitutional Courts have repeatedly held that encroachments in water bodies are to be evicted and water flow and



preservation of water is to be made systematically for the benefit of the people of that locality.

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8. That being the factum established, the respondents are directed to evict the encroachers in the said water body, within a period of six weeks from the date of receipt of a copy of this order.

9. In respect of the claim of the writ petitioner for grant of patta, the same cannot be granted, since he is an encroacher in water body and consequently, the present writ petition stands dismissed. However, there shall be no order as to costs.

10. Registry is directed to list the matter under the caption 'For Reporting Compliance' on 20.09.2023.

08-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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Thiruvallur,
Thiruvallur District-602 001.

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S.M.SUBRAMANIAM, J.

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