



W.P. No. 18414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P. No. 18414 of 2023

R. Palanivel

..Petitioner

Vs.

1. The District Collector,
District Collector Office,
Namakkal District.
2. The District Revenue Officer,
District Collector Office,
Namakkal District.
3. The Sub Divisional Officer,
Water Resource Department,
Sarabanga Office,
Near Old Judicial Magistrate
Court,
Rasipuram, Rasipuram Taluk,
Namakkal District.
4. The Tahsildar,
Taluk Office,



W.P. No. 18414 of 2023

Rasipuram Taluk,
Namakkal District.

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5. Thangaraj

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct respondents 1 to 4 to remove the encroachment in Survey Nos.2/7, 3/5, 5, 6 & 22 in water body wary poramboke at Ponkurichi Village, Rasipuram Taluk, Namakkal District by cancelling patta in favour of 5th respondent in Survey No. 2/7 and by considering the petitioner's representation dated 03.10.2022.

For Petitioner :: Mr.M.Elango

For Respondents :: Mr. Muthukumar,
State Government Pleader for
R1 to R4

ORDER

(By S. Vaidyanathan,J.)

The writ petition is filed for issue of a Writ of Mandamus to direct respondents 1 to 4 to remove the encroachment in Survey Nos.2/7, 3/5, 5, 6 & 22 in water body wary poramboke at Ponkurichi Village, Rasipuram Taluk, Namakkal District by cancelling patta in favour of 5th respondent in Survey No. 2/7 and by considering the petitioner's representation dated 2\8



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03.10.2022.

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2. Notice to the 5th respondent is dispensed with as no prejudice is going to be caused to him as no adverse orders are passed in this writ petition against R5.

3. When the matter is taken up for hearing, learned State Government Pleader would submit that out of five survey numbers mentioned in the writ petition, which are said to have been encroached, Survey No.2/7 is a patta land while the other survey numbers are water bodies and roads. He would further submit that encroachments made on water bodies in three survey numbers have been removed and they are taking steps to remove the encroachments on water bodies in other survey numbers forthwith. The “A” Register produced by the learned State Government Pleader is scanned and reproduced below:



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[illegible]



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1	2	3	4	5	6	7	8	9	10	11	12
11	2-01	7	40	...	...	...	...	...	...	...	...
1	3-1	7	11	...	...	...	...	...	...	...	...
2A	-2-00	7	41	...	...	...	...	...	...	...	...
20	-2-00	7	41	...	...	...	...	...	...	...	...
3	-3	7	41	...	...	...	...	...	...	...	...
4	-4	7	41	...	...	...	...	...	...	...	...
5	-5	7	41	...	...	...	...	...	...	...	...
6	-6	7	41	...	...	...	...	...	...	...	...
7	-7	7	41	...	...	...	...	...	...	...	...
8	-8	7	41	...	...	...	...	...	...	...	...
9	-9	7	41	...	...	...	...	...	...	...	...
10	-10	7	41	...	...	...	...	...	...	...	...
11	-11	7	41	...	...	...	...	...	...	...	...
12	-12	7	41	...	...	...	...	...	...	...	...
13	-13	7	41	...	...	...	...	...	...	...	...
14	-14	7	41	...	...	...	...	...	...	...	...
15	-15	7	41	...	...	...	...	...	...	...	...
16	-16	7	41	...	...	...	...	...	...	...	...
17	-17	7	41	...	...	...	...	...	...	...	...
18	-18	7	41	...	...	...	...	...	...	...	...
19	-19	7	41	...	...	...	...	...	...	...	...
20	-20	7	41	...	...	...	...	...	...	...	...
21	-21	7	41	...	...	...	...	...	...	...	...
22	-22	7	41	...	...	...	...	...	...	...	...
23	-23	7	41	...	...	...	...	...	...	...	...
24	-24	7	41	...	...	...	...	...	...	...	...
25	-25	7	41	...	...	...	...	...	...	...	...
26	-26	7	41	...	...	...	...	...	...	...	...
27	-27	7	41	...	...	...	...	...	...	...	...
28	-28	7	41	...	...	...	...	...	...	...	...
29	-29	7	41	...	...	...	...	...	...	...	...
30	-30	7	41	...	...	...	...	...	...	...	...
31	-31	7	41	...	...	...	...	...	...	...	...
32	-32	7	41	...	...	...	...	...	...	...	...
33	-33	7	41	...	...	...	...	...	...	...	...
34	-34	7	41	...	...	...	...	...	...	...	...
35	-35	7	41	...	...	...	...	...	...	...	...
36	-36	7	41	...	...	...	...	...	...	...	...
37	-37	7	41	...	...	...	...	...	...	...	...
38	-38	7	41	...	...	...	...	...	...	...	...
39	-39	7	41	...	...	...	...	...	...	...	...
40	-40	7	41	...	...	...	...	...	...	...	...
41	-41	7	41	...	...	...	...	...	...	...	...
42	-42	7	41	...	...	...	...	...	...	...	...
43	-43	7	41	...	...	...	...	...	...	...	...
44	-44	7	41	...	...	...	...	...	...	...	...
45	-45	7	41	...	...	...	...	...	...	...	...
46	-46	7	41	...	...	...	...	...	...	...	...
47	-47	7	41	...	...	...	...	...	...	...	...
48	-48	7	41	...	...	...	...	...	...	...	...
49	-49	7	41	...	...	...	...	...	...	...	...
50	-50	7	41	...	...	...	...	...	...	...	...
51	-51	7	41	...	...	...	...	...	...	...	...
52	-52	7	41	...	...	...	...	...	...	...	...
53	-53	7	41	...	...	...	...	...	...	...	...
54	-54	7	41	...	...	...	...	...	...	...	...
55	-55	7	41	...	...	...	...	...	...	...	...
56	-56	7	41	...	...	...	...	...	...	...	...
57	-57	7	41	...	...	...	...	...	...	...	...
58	-58	7	41	...	...	...	...	...	...	...	...
59	-59	7	41	...	...	...	...	...	...	...	...
60	-60	7	41	...	...	...	...	...	...	...	...
61	-61	7	41	...	...	...	...	...	...	...	...
62	-62	7	41	...	...	...	...	...	...	...	...
63	-63	7	41	...	...	...	...	...	...	...	...
64	-64	7	41	...	...	...	...	...	...	...	...
65	-65	7	41	...	...	...	...	...	...	...	...
66	-66	7	41	...	...	...	...	...	...	...	...
67	-67	7	41	...	...	...	...	...	...	...	...
68	-68	7	41	...	...	...	...	...	...	...	...
69	-69	7	41	...	...	...	...	...	...	...	...
70	-70	7	41	...	...	...	...	...	...	...	...
71	-71	7	41	...	...	...	...	...	...	...	...
72	-72	7	41	...	...	...	...	...	...	...	...
73	-73	7	41	...	...	...	...	...	...	...	...
74	-74	7	41	...	...	...	...	...	...	...	...
75	-75	7	41	...	...	...	...	...	...	...	...
76	-76	7	41	...	...	...	...	...	...	...	...
77	-77	7	41	...	...	...	...	...	...	...	...
78	-78	7	41	...	...	...	...	...	...	...	...
79	-79	7	41	...	...	...	...	...	...	...	...
80	-80	7	41	...	...	...	...	...	...	...	...
81	-81	7	41	...	...	...	...	...	...	...	...
82	-82	7	41	...	...	...	...	...	...	...	...
83	-83	7	41	...	...	...	...	...	...	...	...
84	-84	7	41	...	...	...	...	...	...	...	...
85	-85	7	41	...	...	...	...	...	...	...	...
86	-86	7	41	...	...	...	...	...	...	...	...
87	-87	7	41	...	...	...	...	...	...	...	...
88	-88	7	41	...	...	...	...	...	...	...	...
89	-89	7	41	...	...	...	...	...	...	...	...
90	-90	7	41	...	...	...	...	...	...	...	...
91	-91	7	41	...	...	...	...	...	...	...	...
92	-92	7	41	...	...	...	...	...	...	...	...
93	-93	7	41	...	...	...	...	...	...	...	...
94	-94	7	41	...	...	...	...	...	...	...	...
95	-95	7	41	...	...	...	...	...	...	...	...
96	-96	7	41	...	...	...	...	...	...	...	...
97	-97	7	41	...	...	...	...	...	...	...	...
98	-98	7	41	...	...	...	...	...	...	...	...
99	-99	7	41	...	...	...	...	...	...	...	...
100	-100	7	41	...	...	...	...	...	...	...	...



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தி. எண். 30, சென்னை-1.											
1	2	3	4	5	6	7	8	9	10	11	12
181	21-4100	x	y		7-1	4	7 71	0 26-5	9 80	18 க. குத்துக் கவுண்டி (1), கவுண்டி (2), கவுண்டி (3)	விவரம்-1: கவுண்டி-1, சுற்று-1
182	-4100	x	y		7-1	4	7 71	0 01-5	0 12	26 க. குத்துக் கவுண்டி	
3	-5	x	y		7-1	3	5 16	0 22-5	1 24	61 க. குத்துக் கவுண்டி	X. விவரம்-2, விவரம்-3
6A	-600	x	y		7-1	4	7 71	0 03-5	0 27	87 க. குத்துக் கவுண்டி (1), கவுண்டி (2)	சுற்று-1
6B	-600	x	y		7-1	4	7 71	0 11-0	0 85	60 க. குத்துக் கவுண்டி	கவுண்டி-2
6C	-600	x	y		7-1	4	7 71	0 35-0	4 25	26 க. குத்துக் கவுண்டி	கவுண்டி-1
6D	-600	x	y		7-1	4	7 71	0 06-0	0 46	87 க. குத்துக் கவுண்டி (1), கவுண்டி (2)	கவுண்டி-1
7A	-700	x	y		7-1	4	7 71	0 02-0	0 15	87 க. குத்துக் கவுண்டி (1), கவுண்டி (2)	கவுண்டி-1
7B	-700	x	y		7-1	4	7 71	0 35-0	1 93	26 க. குத்துக் கவுண்டி	
7C	-700	x	y		7-1	4	7 71	0 04-0	0 31	25 க. குத்துக் கவுண்டி	
7D	-700	x	y		7-1	4	7 71	0 71-5	5 50	60 க. குத்துக் கவுண்டி	
8	-8	x	y		7-1	4	7 71	0 22-5	1 72	26 க. குத்துக் கவுண்டி	
9	-9	x	y		7-1	4	7 71	0 13-5	1 19	60 க. குத்துக் கவுண்டி	
								3 12-5	29 79		
22	-22	x	y					0 36-0			குத்துக் கவுண்டி, கவுண்டி-1, கவுண்டி-2
23	-23	x	y					0 19-0			குத்துக் கவுண்டி
24-1	-24-1	x	y		7-2	5	5 50	2 87-5	15 97	47 க. குத்துக் கவுண்டி, கவுண்டி-1, கவுண்டி-2	கவுண்டி-1
-2	-2	x	y		7-2	5	5 50	0 07-0	1 74	61 க. குத்துக் கவுண்டி	கவுண்டி-1



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4. In view of the submission made by the learned State Government Pleader, the writ petition stands disposed of recording the same. If the petitioner is aggrieved over the issuance of patta in respect of Survey No.2/7, it is open to the petitioner to approach the authority under the Patta Passbook Act for necessary redressal. Any decision that is going to be taken by the authorities either for removal of encroachment or for grant of patta, shall be after hearing the 5th respondent. No costs.

(S.V.N.J.) (K.R.S.J.)
23.06.2023

nv

To

1. The District Collector,
District Collector Office,
Namakkal District.
2. The District Revenue Officer,
District Collector Office,
Namakkal District.
3. The Sub Divisional Officer,
Water Resource Department,
Sarabanga Office,
Near Old Judicial Magistrate
Court,
Rasipuram, Rasipuram Taluk,
Namakkal District.

S. VAIDYANATHAN,J.

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AND

K. RAJASEKAR,J.

nv

4. The Tahsildar,
Taluk Office,
Rasipuram Taluk,
Namakkal District.

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