



WEB COPY

W.P.No.25806 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25806 of 2023

P.Palani

... Petitioner

Vs.

1.The State represented by
The District Collector, The District Collectorate,
Ranipet District.

2.The Tahsildar,
Officer of the Tahsildar, Arakkonam,
Ranipet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's father's representation dated 25.10.2022 and petitioner representation dated 18.01.2023 for issue my father name as a patta name in favour of petitioner father property situated Door No.137, 6/82C, Bazaar Street, Guruvarajapet, Arakonam Taluk, Ranipet District 631101 Sembedu Panchayath, Guruvarajapet Village, Punsei Survey No309, total extent of land 11 Cent's within the time prescribed by this Court.



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For Petitioner : Mr.P.Palani

Party-in-Person

For Respondent : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the third respondent to consider the petitioner's father's representation dated 25.10.2022 and the petitioner's representation dated 18.01.2023 for issue of patta in the name of the father of the petitioner.

2. The petitioner states that he is in occupation of a portion of the punjai land in Natham Survey No.301/1 and 309/1D at Sembedu Panchayat, Guruvarajapet Village, Arakonam Taluk, Ranipet District. The petitioner represented by a power holder V.Prabhu who is the son of the petitioner made a submission that the revenue records are erroneously made and the petitioner is in occupation of the portion of the land in Natham Survey No.301/1 & 309/1D.



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3. The very same petitioner earlier filed a writ petition in W.P.No.19092 of 2021 and this Court passed an order on 07.12.2021 recording the fact that an enquiry was conducted by the Tahsildar, Arakonam. On enquiry, Tahsildar found that the land comprised in S.No.309/1D stands in the name of the third parties i.e., Kannaian and Nathamuni and in respect of the property comprised in S.No.301/1, it is classified as Water Body.

4. If it is a water body, the encroachers are liable to be evicted immediately. Encroachment in water bodies can at no circumstances be permitted in view of the Judgments of the Apex Court of India. Water bodies are to be protected for the purpose of maintenance of water resources and the encroachers are liable to be evicted by following the procedures. As far as S.No.309/1D is concerned, the revenue records reveal that one Kannaian and Nathamuni are in occupation.

5. If at all the petitioner claims any right, then he has to approach the competent civil court of law. Contrarily, a writ court cannot conduct a roving



enquiry for the purpose of determining the civil rights or to correct the revenue records as claimed by the petitioner in this writ petition. Mere direction to dispose of the representation would do no service to the cause of justice and therefore, the petitioner is at liberty to workout his remedy in the manner known to law.

6. With this liberty, the writ petition stands dismissed. No costs.

04.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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