



WEB COPY



W.P.No.34536 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.34536 of 2022

P.Ramraj

... Petitioner

Vs.

The Tahsildar,
Omalur Taluk Office,
Salem District.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent to consider the petitioner's representation dated 19.09.2022 consequently direct the respondent to issue patta to the petitioner in respect of Survey No.184/3 Karuppur Village, Omalur Taluk, Salem District.

For Petitioner : Mr.B.Manimaran

For Respondent : Mr.E.Sundaram,
Government Advocate



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ORDER

WEB COPY The relief sought for in the present writ petition is to direct the respondents to issue patta to the petitioner in respect of Survey No.184/3, Karuppur Village, Omalur Taluk, Salem District.

2. The petitioner states that he is in possession of the subject property and cultivating the land. The petitioner submitted an application to issue patta. Since the application was not considered under Section 3 of the Tamil Nadu Passbook Act, 1983, which stipulates that the Tahsildar shall issue a Patta Passbook to every owner in respect of land owned by him on an application made by him in his behalf, the petitioner is constrained to move the present writ petition.

3. The learned Government Advocate made a submission that the subject property occupied by the petitioner is classified as Tharisu Kallanguthu which is a water body.

4. In view of the judgment of the Hon'ble Supreme Court of India, encroachers in water bodies are to be evicted and the water bodies are to be protected and utilized for the benefit of the public at large. At no



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circumstances, encroachment in the water body should be permitted and the competent authorities are bound to evict all such encroachers in water bodies.

5. In the present case, the petitioner states that he is cultivating the land. However, the said land is classified as a water body and the petitioner is in illegal occupation and therefore, liable to be evicted. The claim of the petitioner for grant of patta cannot be considered in view of the fact that the subject property is classified as a water body ie. Kallanguthu. Thus, the respondent is directed to initiate all appropriate actions to evict the encroachers from the water body and utilise the land for preserving water resources and environmental aspects.

6. With these observations, the writ petition stands **dismissed**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

The Tahsildar,
Omalur Taluk Office,
Salem District.

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