



W.P.No.2438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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E.Selvi

.. Petitioner

Vs

1.The Government of Tamilnadu,
rep. by its Secretary,
Ministry of Water Resource Department,
(Irrigation Section)
Secretariat, Chennai-600 009.

2.The Assistant Engineer,
Water Resource Department,
Irrigation Section,
Tirupattur Taluk,
Tirupattur District-635 601.

3.The Tahsildar,
Tirupattur Taluk,
Tirupattur District-630 211.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and



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enjoyment of the residence situated at Door No.86/8, Front Side of LIC, Rajive Gandhi Street, Posco Nagar, Tirupattur Taluk, Tirupattur District.

For the Petitioner : Mr.D.Jagadeesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus forbearing the respondents from interfering with her peaceful possession and enjoyment of the house situated at Door No.86/8, Rajiv Gandhi Street, Posco Nagar, Tirupattur Taluk.

2. Learned counsel for the petitioner submitted that the petitioner's uncle, Loordhunathan, and his family members were earlier residing in the subject property for the past several decades and they have been paying electricity charges for the Service Connection No.08-401-303-517, besides periodically paying the property tax for the said property. Leaned counsel would submit



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that, on 2.11.2009, the petitioner had purchased the subject property from L.Selvam, who is son of Loordhunathan, under an unregistered sale deed for a valid consideration of Rs.3,03,125/- and from the date of purchase, she is in possession and enjoyment of the same. While so, the petitioner saw a display board installed by the second respondent in the middle of Tirupattur town holding that the second respondent proposes to initiate action under Rule 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 against the occupants in the following localities:

1. Posco Nagar
2. Sivaraj Pettai
3. Ponniyamman Koil Street
4. Tirupattur – River Side (Part)
5. Vellore – Tirupattur Main Road

3. Learned counsel for the petitioner further submitted that installing a display board indicating S.No.2/1 admeasuring an extent of 113.25.25 hectares in the midst of the Tirupattur town as one of the areas from which occupants would be evicted cannot be termed as a valid notice in accordance with law and, therefore, the notice is



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ex facie illegal and unsustainable in the eye of law.

4. Learned counsel for the petitioner urged that the petitioner's property does not fall within the said 113.25.25 hectares and she has not put up any structure on a water course area. Since the petitioner and her family members are residing in the property for more than several decades, the respondents are to be restrained from interfering with the petitioner's peaceful possession and enjoyment of the property in question. Therefore, the petitioner has been advised to file the instant writ petition.

5. Learned State Government Pleader appearing for the respondents, by producing a copy of Town Survey Land Register in respect of Survey No.2/1, submitted that Survey No.2/1 is a Government poramboke land and has been classified as "Tirupattur Periya Neertheekkam" and the petitioner has no right over the same. Therefore, the writ petition is not maintainable.

6. On a perusal of the revenue records, namely, Town Survey



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Land Register, produced by learned State Government Pleader, it is seen that Survey No.2/1 is a Sarkar poramboke and has been classified as "Tirupattur Periya Neertheekkam". Since the land in question has been classified as waterbody, the petitioner has no right to maintain the instant writ petition, as her house exists in the waterbody.

7. The writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.2546 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
01.02.2023

Index : No
Neutral Citation : No
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To:

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- 1.The Secretary,
Government of Tamilnadu,
Ministry of Water Resource Department,
(Irrigation Section)
Secretariat, Chennai-600 009.
- 2.The Assistant Engineer,
Water Resource Department,
Irrigation Section,
Tirupattur Taluk,
Tirupattur District-635 601.
- 3.The Tahsildar,
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T.RAJA, ACJ.
AND
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