



W.P.(MD) No.5421 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.5421 of 2020

1.K.K.Gnanaprabhakaran

2.K.K.Surendranath

3.K.K.Karunakaran

4.K.K.Dinakaran

... Petitioners

/vs./

1.The District Collector,
Madurai District,
Madurai -20.

2.The District Revenue Officer,
In-Charge, Y.Othakadai,
Melur, Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Viraganoor Village,
Office of the District Collector,
Madurai -20.



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4.The Superintending Engineer,
National Highways Department,
NHAI, 307, Melur Main Road,
Madurai

*(R4 has been impleaded vide
order dated 27.07.2020)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider petitioner's representation dated 31.12.2018 for grant of joint patta in Survey No.65, No.32, Viraganoor Village, Madurai South Taluk, Madurai District within a time frame stipulated by this Court.

For Petitioners : Mr.M.S.Suresh Kumar

For Respondents : Mr.A.Sivanupandian

Government Advocate

ORDER

Praying for the issue of a Writ of Mandamus to consider the representation dated 31.12.2018 regarding grant of joint patta, the petitioners are before this Court.

2.It is the case of the petitioners that the vacant land, measuring an extent of 10 cents in S.No.32 at Viraganoor Village and in S.No.65 at Madurai South Taluk, Madurai, was in their enjoyment for a very long time. The petitioners are



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brothers and sons of one K.V.Krishna Iyer. They have been in enjoyment of these properties, wherein there is a 400 sq.ft building. The petitioners are paying property tax and electricity charges for the said building. Adjacent to the aforesaid survey number, the petitioners are owning patta lands, which are comprised in S.Nos.63 and 64.

3.The property in S.No.65 is classified as Natham Government land in the revenue records. Therefore, on 31.12.2018, the petitioners had made a representation to the respondents 1 and 2 to grant them patta in respect of S.No. 65. There was no response to the said representation and when they had filed an application under Right to Information Act, they were informed to approach the competent authority, vide reply dated 16.07.2019. The petitioners, accordingly, had approached the third respondent. However, there was no response from him.

4.The petitioners would submit that they have been in enjoyment of the properties for a very long time and therefore, joint patta should be issued in their names. Since the representation has not been considered, the above writ petition has been filed.



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5.The third respondent has filed a counter, in which it is stated that the property in question particularly S.No.65 has been classified as Government Poramboke and Viraganur Kanmoi Channel. Therefore, the third respondent would submit that the property in question is a Channel Poramboke and is a water course land and water body. Therefore, patta cannot be granted in respect of the same.

6.The petitioners in their reply to the counter would attempt to distinguish the above contention by stating that they have built a compound wall to the property right up to the NHAI property and this would clearly show that there is no water body around.

7.Heard the learned counsels appearing on either side.

8.The issue appears to be a dispute with reference to the nature of the property. The revenue records clearly describe the property as Government Poramboke with water channel. Therefore, patta cannot be granted in respect of these lands, which are for the use of the general public and belong to the



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Government. In case, the petitioners seek to assert their title, their remedy is not before this Court exercising the jurisdiction under Article 226 of the Constitution of India. Consequently, the Writ Petition is dismissed. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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