



W.P.(MD) Nos.8426 to 8431 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.8426 to 8431 of 2021

W.P.(MD) No.8426 of 2021

C.Nagaraj

Vs.

... Petitioner

- 1.The District Collector,
Office of the District Collectorate,
Dindigul.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Dindigul District.
- 3.The Tahsildar,
Dindigul West Taluk,
Dindigul.
- 4.The Commissioner,
Dindigul Corporation,
Dindigul.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents No. 1 to 3 to issue the patta in respect of the petitioner's property to an extent



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of 220 sq.ft which is classified as Government Poramboke land situated in T.S.No.19, Block No.27, Ward No.2, Ramanathapuram, Chettinaickanpatti, Dindigul West Taluk, Dindigul District as per the G.O(MS) No.465, Revenue and Disaster Management Department, dated 27.11.2018 by considering the representation dated 25.02.2020 within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.B.Arun

For R1 to R3 : Mr.T.Amjadkhan
Government Advocate

For R4 : Mr.J.Lawrance

COMMON ORDER

The petitioners seek a mandamus from this Court to the respondents 1 to 3 to issue patta in respect of the petitioners' property comprised in Government Poramboke situated in T.S.No.19, Block No. 27, Ward No.2 Ramanathapuram, Chettinaickanpatti, Dindigul West Taluk, Dindigul District, as per G.O(Ms) No.465, Revenue and Disaster Management Department, dated 27.11.2018, by considering their respective representations.



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2. The facts are common in all the writ petitions and it is only the extent of the property in occupation of the petitioners that are different. The petitioners would submit that larger extent of land, which is comprised in old Survey No.568, which is subsequently numbered as T.S.No.19, is classified as Government poramboke land and is situated in the outskirts of Dindigul Town. Many of the petitioners, who belong to poor families are residing in this area by putting up thatched huts. The petitioners would submit that they have been assessed with property tax and enjoyed the electricity and water connection and that apart all the public documents would clearly show the residences to be in this survey number. However, though the petitioners have been residing over 50 years, the respondents have not come forward to issue them with the patta. Therefore, the present writ petitions.

3. The fourth respondent has submitted a counter affidavit in which it is stated that the property in respect of which the patta has sought for is classified as Sarkar Poramboke of Chokkalingam Pillai Water Tank. All revenue records would show that the property is a water tank. The



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petitioners are encroachers and they cannot claim a right to be granted patta.

4. When the matter came up today, the learned Government Advocate appearing for the respondents had brought to the notice of this Court a letter from the Tahsildar addressed to the Government Advocate, wherein it has been stated that the lands in respect of which the writ petitions have been filed is a water body and nearly 200 families have encroached into water body and that steps were taken to remove the encroachments from the riverbed. The communication also contain a town survey register and also the revenue map, all of which would clearly show that the petitioners have constructed over the water body. Therefore, the petitioners cannot demand to grant patta in respect of the lands described as water body. Hence, these writ petitions are dismissed. No costs.

19.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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