



W.P(MD)No.1054 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.1054 of 2019
and
W.M.P.(MD)No.886 of 2019

Palanivel

... Petitioner

Vs.

The Junior Engineer,
PWD – WRO,
GAC, Ayangudi Section,
Subramaniapuram,
Aranthangi Taluk,
Pudukkottai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the order of the respondent in respect of FORM III (See Sub-Rule (1) of Rule (6)) dated 10/01/2019 of Tamil Nadu Protection of Tanks and Eviction of Encroachments Rules, 2007 relating to petitioner's family paddy fields and quash the same as arbitrary and illegal.



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For Petitioner : Mr.R.Paranjothi

For Respondent : Mr.V.Nirmal Kumar,
Government Advocate.

ORDER

Heard both sides.

2.The petitioner challenges Form – III issued by the respondent.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.The respondent has filed counter affidavit and Paragraph No.9 reads as under:-

*9.The lands in S.No.47 are classified as "Arasu Puramboke Kurinchankottai Eriyin Vadikal Vaari"
Therefore this respondent has authority and jurisdiction to*



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initiate appropriate action for eviction under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act and Rules 2007. It is not correct to contend that there was No Survey as per Rule 4 (2) of said Rules. Infact Survey was conducted and Form I notice was issued by Tahsildhar, Aranthangi. Based on the same Form II notice was issued by this respondent. The petitioner gave reply to said Form II Notice. He did not raise any whisper in the said reply regarding survey. So it is an afterthought to contend that there was no survey. Further the petitioners' contention that the disputed land belongs to him ancestrally is misconceived. A property classified as Arasu Puramboke and that too a Water Course could never been an ancestral property Further there are about 24 encroachers in the said lands. Mere long possession will also not convey any title or right or interest to the petitioner.”

5.We called upon the learned Government Advocate to produce the relevant revenue records. It is seen that S.No.47 has been classified as water body. It is referred to in the revenue record as “vaari” and “vaykkal”. We called upon the petitioner's counsel to produce his patta. No patta is forthcoming. The petitioner claims right only on the strength of long possession.



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6. In view of the stand taken by the respondent as extracted above, we do not find any ground to interfere within the impugned order. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.J.) & (B.P.J.)
07.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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**07.11.2023
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