



W.A.(MD) No.1857 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **20.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**  
AND  
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1857 of 2023  
and C.M.P.(MD) No.14199 of 2023

1.K.K.Gnanaprabhakaran

2.K.K.Surendranath

3.K.K.Karunakaran

4.K.K.Dinakaran

... Appellants/Writ 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.

... Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 29.03.2023 made in W.P.(MD)No.5421 of 2020 on the file of this Court.

For Appellants : Mr.M.S.Suresh Kumar

For Respondents : Mr.T.Amjadkhan  
Government Advocate

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### **J U D G M E N T**

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been instituted against the order dated 29.03.2023, passed in W.P.(MD)No.5421 of 2020.

2. The appellants filed writ proceedings, seeking a directions to the respondents therein to consider the representation submitted by them dated 31.12.2018, for grant of joint patta in Survey No.65, No.32, Viraganoor Village, Madurai South Taluk, Madurai District.



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3. Learned Single Judge considered the issues and made a finding that the revenue records clearly indicate the subject property as Government Poramboke with water channel and therefore, patta cannot be granted in respect of the subject lands, which is to be kept for public use. In such circumstances, if any person claiming right or ownership has to establish their rights by approaching the competent civil Court of law independently based on documents and evidences available on record. Therefore, we do not find any infirmity in respect of the order passed by the learned Single Judge. As far as encroachments are concerned, it is duty mandated on the authorities to remove the encroachments by following the procedures as contemplated.

4. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**[S.M.S.J.] & [V.L.N.J.]**  
**20.10.2023**

NCC :Yes/No  
Index :Yes/No  
SJ



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**S.M.SUBRAMANIAM, J.**  
**AND**  
**V. LAKSHMINARAYANAN, J.**

SJ

To

- 1.The Director,  
Tamil Nadu Fire and Rescue Services,  
No.17, Rukmani Lakshmipathy Road,  
Egmore, Chennai – 600 008.
- 2.The Tamilnadu Uniform Services Recruitment Board,  
Represented by its Chairman,  
Old Commissioner Office Campus,  
Pantheon Road, Egmore,  
Chennai – 600 008.
- 3.The Director General of Police,  
O/o. The Director General of Police,  
Chennai – 4.
- 4.The Superintendent of Police,  
O/o. The Superintendent of Police,  
Madurai District.

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