



W.P(MD)No.15826 of 2022

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.15826 of 2022
and
W.M.P.(MD)No.11413 of 2022

A.Paunraj

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai 20.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai 20.
- 3.The Chief Engineer,
Water Resources Division,
Public Works Department Madurai Zone,
Madurai - 2.
- 4.The Executive Engineer,
Public Works Department,
Water Resources Division,
Periyar - Vaigai Basin Division,
Madurai - 625 002.



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5. Superintendent of Engineer,
Public Works Department,
Water Resources Division,
Periyar - Vaigai Basin Division,
Madurai - 625 002.

6. The Assistant Engineer W.R.D,
Periyar - Vaigai Basin Division No.II,
Nilaiyur Section Nilayur,
Madurai - 625 002.

7. The Tahsildar,
Office of Madurai West Tahasildar,
Virattipathu, Madurai - 625 016.

8. The Block Development Officer,
Office of the Thiruparankundram
Village Panchayat Union,
Thirunagar, Madurai - 625 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for entire records, pertaining to the impugned notice dated 27.06.2022 issued by the 6th respondent in FORM III under Sub Rule (1) of Rule 6 of Tamilnadu Protection of Tanks and Eviction of Encroachments Rules 2007 and quash the same as devoid merits and consequently direct the 7th respondent to issue Patta to the petitioner duly considering longstanding enjoyment of the house site.

For Petitioner : Mr.A.Selvam

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



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ORDER

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Heard both sides.

2.The petitioner challenges Form III notice issued by the sixth 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 first respondent has filed status report. Paragraph No.6 of the status report filed by the District Collector reads as follows:-

“6.I further submit that, as per the inspection report of RDO, Madurai, it was found that the petitioner has encroached the said area with a tin shed i.e., a temporary shed to an extent of 0.00.40 hectares; moreover, the petitioner is not at all residing in the said temporary structure. After due enquiry, it has come to light that the petitioner is having an own RCC house



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which is located in SF.No.109/55 with an extent of 0.00.50 Hectares and the natham patta stands in the name of the petitioner itself. However, suppressing the said material fact, the petitioner has approached this Hon'ble Court for claiming house site that too in a waterbody.”

5.Copies of the relevant revenue records have also been produced.

It is seen therefrom that S.No.17/1 of Pudhukulam Bit – I Village has been classified as water body. It is known as Periyakulam. It is the firm statement of the respondents that the petitioner has committed encroachment on a portion of the water body. Admittedly, the petitioner is not having any record to sustain his claim. In fact, the consequential prayer in the writ petition is for issuance of patta.

6.This Court cannot direct the revenue authorities to issue patta in respect of a water body. The case of the petitioner does not merit acceptance. This writ petition is dismissed. It is stated that apart from the petitioner, there are a number of encroachers. It is the duty of the respondents to clear all the encroachments in the petition mentioned



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water body ie., Periyakulam located in S.No.17/1. The respondents should of course adhere to due process of law.

7.This writ petition is dismissed accordingly. 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
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and
B.PUGALENDHI, J.**

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