



W.P(MD)No.1114 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1114 of 2015

and

M.P.(MD)No.1 of 2015

B.Appollos

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.District Forest Officer,
District Forest Office,
Kanyakumari District.

3.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to issue a patta in favour of the petitioner with respect of his property situated in Old Survey No.2709/2, Resurvey No.602,



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Gnalam Village, Thovalai Taluk, Kanyakumari District on the basis of the petitioner's representation dated 29.11.2014.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner seeks patta for the petition mentioned land. It is comprised in R.S.No.602, Gnalam Village, Thovalai Taluk, Kanyakumari District.

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.



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4.I am not convinced by the submissions made by the learned counsel for the petitioner. The learned Additional Government Pleader has produced the revenue record which indicates R.S.No.602 has been classified as government poramboke and வாய்கால் (water body). It is well settled that patta cannot be issued in respect of water body. It is also seen that the petitioner's attempt to get relief of declaration and permanent injunction against the Government and Forest Department was not successful. O.S.No.1406 of 1984 filed on the file of the District Munsif Court, Nagercoil was dismissed and A.S.No.14 of 1991 filed by the petitioner before the Sub Court, Nagercoil was also dismissed. In these circumstances, it is not possible to grant relief and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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(1/2)