



W.P(MD)No.24534 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

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S.Kasturi

... Petitioner

-VS-

1. The District Collector,
Trichy District,
Trichy.

2. The Revenue Divisional Officer,
Srirengam Revenue Division,
Srirengam, Trichy District.

3. The Block Development Officer,
Panchayat Union,
Manapparai,
Trichy District.

4. The Tahsildar,
Manapparai Taluk,
Trichy District.

5. Tak.Idayathullah

6. Tak.Abdul Pareed

7. Tak.Sathakathulla

8. KPA.Mohamed Kasim

9. KPA.Abdul Salam

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to prevent the attempts of the respondents No 5 to 9 in converting the irrigation tank in S.F.No.159 in Puthanatham Village, Manapparai Taluk, Trichy District, into housing plots.

For Petitioner : Mr.R.Pon Karthikeyan
For R1 to R4 : Mr.P.Thilakkumar, Government Pleader
For R5 to R7 : Mr.V.R.Venkatesan

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents 1 to 4 and Mr.V.R.Venkatesan, learned counsel appearing for the respondents 5 to 7.

2. The learned counsel appearing for the petitioner submits that there is an irrigation tank comprised in Survey Nos.158 and 159 in Puthanatham Village, Manapparai Taluk, Trichy District. The respondents 5 to 9 have illegally encroached upon the same and claiming patta. No patta can be issued for a water body. All records also show that the said survey numbers are water body.



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3. The learned Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 to 7 submit that the land Survey No.158 is a tank poramboke and the same is not disputed. However, the land Survey No.159 is a punja land. The patta has been issued in favour of the predecessor/ancestors of the respondents 5 to 9 in the year 1927 itself. Earlier writ petition bearing No.911 of 2010 was filed. The same was dismissed by a Division Bench of this Court on 23.09.2010. The said writ petition was on the same set of facts.

4. We have considered the rival submissions.

5. The order in earlier W.P(MD)No.911 of 2010 specifically records that the land in Survey No.158 is a tank poramboke and the same is as it is and no patta issued for the same. Survey No.159 has been divided into three parts. According to the learned Government Pleader, Survey No.159/2 is a water channel. The other sub divisions of Survey No.159 are private properties of the respondents 5 to 9 and they have been issued with patta in the year 1927.

6. We find that the present writ petition is misplaced and not in tune with the actual factual matrix. The classification of lands in



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Survey No.159 has already been considered by a Division Bench of this Court in earlier writ petition bearing No.911 of 2010 decided under order dated 23.09.2010.

7. In the light of that, the Writ Petition is dismissed. No costs.

[S.V.G., C.J.]

[P.V.M., J.]

28.08.2023

Index : Yes / No
Neutral Citation : Yes / No
bala

To

The Commissioner,
Kodaikanal Municipality,
Kodaikanal.



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THE HONOURABLE CHIEF JUSTICE
and
P.VADAMALAI, J.

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