



WP (MD) No.12381 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.12381 of 2017

and

WMP(MD)No.9532 of 2017

A.Ramesh Babu

Vs

... Petitioner

- 1.The Secretary to Government,
Public Works Department,
State of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Thenkasi,
Tirunelveli District.
- 4.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.



WP (MD) No.12381 of 2017

WEB COPY

5.The Assistant Executive Engineer,
Karuppa Nadhi Dam Section,
Courtallam, Tirunelveli District.

6.The Junior Engineer,
Karuppa Nadhi Dam Section,
Courtallam, Tirunelveli District.

7.Thangaraj

8.Balasubramanian

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondents herein to pay a sum of Rs.10,00,000/- [Rupees Ten Lakhs only] as compensation for the unlawful damage caused by the respondents herein in the petitioner's agricultural land situated in Survey No.1035/1 of Chokampatti Village Kadayanallur Taluk, Tirunelveli District.

For petitioner : Mr.EVN.Siva

For R1 to R6 : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

The petitioner claiming to be an agriculturist has filed this writ petition that his land in S.No.1035/1 in Chokkampatti village,



WP (MD) No.12381 of 2017

Kadayanallur, Tirunelveli District was destroyed by the official respondents at the instance of respondents 7 and 8.

2.The learned Counsel for the petitioner submits that the land in S.No.1035/1 of Chokkampatti Village to an extent of 2 Acres, has been received by the petitioner through a registered settlement deed in document No.636 of 2006 on the file of the Sub Registrar, Kadayanallur. The petitioner claims that he has put up a fencing and obtained electricity service connection for this land and also planted 220 coconut trees, cotton plants and sesame plants in the said property. The respondents 7 and 8 in order to create pathway through the petitioner's land has induced the official respondents and they have destroyed the entire crops grown on the petitioner's land and also destroyed wire fencing and the borewell. The respondents have taken this action as if the land is a government poramboke land. However, the learned Counsel by relying on a judgment and decree obtained by him



WP (MD) No.12381 of 2017

WEB COPY

in OS.No.538 of 2015 dated 16.08.2019 passed by the learned District Munsif, Tenkasi submits that the petitioner is having a decree of declaration as against the 7th and 8th respondents, wherein the District Administration is also a party.

3.The learned Additional Government Pleader appearing for the official respondents submits that the land in Survey No.1035/1 is a government land classified as water body and the petitioner has illegally encroached the land and has put up fencing and these encroachments were removed as per law.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The petitioner claims that the land in S.No.1035/1 is a patta land and a competent civil Court in O.S.No.538 of 2015 has



WP (MD) No.12381 of 2017

declared that the petitioner is the owner of the property. However, the judgment and decree in OS.No.538 of 2015 dated 16.08.2019 is not placed before this Court.

6.Though the learned Additional Government Pleader claims that the land is classified as water body, no document is placed before this Court to substantiate the same. On the other hand the petitioner has produced the A-Register extract, wherein it is mentioned as a patta land and the petitioner is also issued with a patta in patta No. 3170.

7.Based on the representation of the learned Additional Government Pleader that the land is the water body, this court dismissed the writ petition by order dated 21.06.2023 with a liberty to the petitioner to work out his remedy before the civil Court. However, the order copy was not hosted in the High Court website. Considering



WP (MD) No.12381 of 2017

the submission made by the petitioner with regard to the decree obtained from the competent civil court, this court is inclined to provide an opportunity to the petitioner to produce the judgment and decree passed in OS.No.538 of 2015.

8.Though this writ petition is listed today(14.09.2023), under the caption "for clarification", there is no representation for the petitioner. This Court is inclined to peruse the decree said to have been projected by the petitioner. Since there is no representation for the petitioner, the earlier order of dismissal is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

14.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



WP (MD) No.12381 of 2017

To
WEB COPY

- 1.The Secretary to Government,
Public Works Department,
Fort St.George,Chennai – 600 009.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tenkasi,Tirunelveli District.
- 4.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.
- 5.The Assistant Executive Engineer,
Karuppa Nadhi Dam Section,
Courtallam,
Tirunelveli District.
- 6.The Junior Engineer,
Karuppa Nadhi Dam Section,
Courtallam,
Tirunelveli District.



WEB COPY



WP (MD) No.12381 of 2017

B.PUGALENDHI, J.

vrn

Order made in
WP(MD)No.12381 of 2017
and
WMP(MD)No.9532 of 2017

14.09.2023