



WEB COPY



W.P.No.13830 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.13830 of 2012
and
W.M.P.No.2 of 2014

Periyasamy

... Petitioner

Vs.

1.The District Collector,
Salem District,
Collectorate,
Salem- 636 001.

2.S.Arivalagan
3.A.Kalaiyaran
4.A.Shanthi
5.G.Thenmozhi
6.K.A.Ganapathy
7.R.Raja
8.K.Palanivel
9.P.Kamalam
10.P.Uma Maheswaran
11.K.Nagarajan
12.M.E.Shajahan
13.T.Jayakumar
14.The Executive Engineer (O & M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Attur-636 102,

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Salem District.

15.The Assistant Executive Engineer (O & M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Attur-636 102,
Salem District.

... Respondents

[R14 & R15 impleaded *vide* order in M.P.No.1
of 2014 in W.P.No.13830 of 2012 by SVNJ & KRSJ]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to exercise powers under Section 3 of the Tamil Nadu Irrigation Tanks (Improvement) Act, 1949 to increase the capacity of the Nathred Sahib Tank, Attur Taluk, Salem District.

For Petitioner	: Mr.L.Mouli
For R1	: Mr.A.Selvendran Special Government Pleader
For R2 to R4	: Mr. P.V.Balasubramaniam Senior Counsel for Mr.K.R.Samratt
For R6	: Mr.T.Sathiya Moorthy
For R7	: Mr.H.Rajasekar
For R8	: Mr.V.R.Anna Gandhi
For R9	: Mr.A.Abdul Kadar
For R10	: Mr.M.Ramalingam
For R5 & R13	: No appearance
For R11 & R12	: Not ready in notice : Mr.P.M.N.Bhagavath Krishna Advocate Commissioner



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ORDER

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(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the first respondent herein to exercise powers under Section 3 of the Tamil Nadu Irrigation Tanks (Improvement) Act, 1949 to increase the capacity of the Nathred Sahib Tank, Attur Taluk, Salem District.

2. Mr.L.Mouli, learned Senior Counsel appearing on behalf of the petitioner would submit that encroachments are identified in 'water course poramboke'. 'Lake' has been encroached upon and the Authorities remained as mute spectators.

3. However, learned Counsels appearing on behalf of the private respondents would submit that there is no encroachment as such and the contesting private respondents have produced all documents to establish that it is a Ryot land and Ryotwari Patta has been granted.

4. Mr.A.Selvendran, learned Special Government Pleader appearing



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on behalf of the 1st respondent would submit that the Authorities require some more time to verify the origin of documents, so as to consider the claim between the parties. The Collector has earlier stated that some portions of the land are Patta lands. Since the issues require further consideration to ascertain the nature of the land, whether it is a water body or a Patta land, the Authorities are bound to verify all the Revenue documents and take a decision.

5. The first respondent/District Collector, Salem District is directed to verify the Revenue records and the documents produced by the parties. The genuinity of the documents produced by the parties were also to be scrutinised. The District Collector has to verify the sanctity of the Revenue records with the Commissioner of Land Administration, the Director of Survey and Land Records, Archives of India, PWD Departments or with other departments, where ever original records are available. If subject land has been identified as water body, then appropriate actions are to be initiated to evict the encroachers. While doing so, if homeless poor people are identified, then alternate tenements are to be provided under the Government Scheme. No encroachment can be permitted in water body. Since documents and



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counter documents are filed, the genuinity of those documents are to be verified. If any tampering of revenue documents or fraudulent registration of documents are identified, then all such persons involved are to be prosecuted under the criminal law.

6. The process is directed to be completed by affording opportunity to all the parties. The entire exercise is directed to be completed within a period of four (4) months from the date of receipt of a copy of this order. Accordingly, the Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
25.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1.The District Collector,

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Salem District,
Collectorate,
Salem- 636 001.

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2.The Executive Engineer (O & M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Attur-636 102,
Salem District.

3.The Assistant Executive Engineer (O & M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Attur-636 102,
Salem District.

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.



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Order in
W.P.No.13830 of 2012

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