



Review Application No.33 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.07.2024

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C. KUMARAPPAN

Review Application No.33 of 2011

C. Jegannathan

..Petitioner

Vs.

1. State of Tamil Nadu, rep.by its
Secretary to Government,
Revenue Department,
Secretariat, Chennai – 9.
2. District Collector,
Salem, Salem District.
3. Revenue Divisional Officer,
Salem, Salem District.
4. Tahsildar,
Salem Taluk, Salem District.

..Respondents



Review Application No.33 of 2011

Prayer: Review Application to review the judgment dated 22.11.2010
passed in W.A.No. 2395 of 2010.

For Petitioner :: Mr.V. Sivalingam for
M/s.C.S. Associates

For Respondents :: Mr.S.John J. Raja Singh
Addl. Govt. Pleader
for R1 to R4
O R D E R

*(Made by **S.M. SUBRAMANIAM,J.**)*

The writ petition was filed by the petitioner herein challenging the rejection of his request for assignment of a portion of land on the ground that the said land was classified as 'Eri Poramboke'. The learned Single Judge, after considering the rival submissions, dismissed the writ petition stating that it is the policy decision of the Government not to assign 'Eri Poramboke' land to any individual and that the practice of assigning lands in water bodies to private individuals has been deprecated by the Hon'ble Supreme Court. The intra-court appeal preferred as against the dismissal of the writ petition was also dismissed. Now, the said judgment is sought to be reviewed by way of this review application.

2. Such stale claims as the one made by the petitioner herein, i.e.,



Review Application No.33 of 2011

to re-classify 'Eri Poramboke' land as Government Poramboke and thereafter assign the same to him, cannot be entertained either by the authorities or by Courts. Water bodies cannot be assigned and they have to be preserved for providing water to the public at large. Constitutional Courts across the country, in unequivocal terms, have reiterated that encroachments or assignments of water bodies, under no circumstances, should be allowed. Even in respect of poramboke lands, encroachments are impermissible and assignments have to be made strictly in consonance with the Revenue Standing Orders by ascertaining the eligibility of the applicants.

S.M. SUBRAMANIAM,J.

AND

C. KUMARAPPAN,J.

nv

That being so, the review petition deserves no consideration at the hands of this Court. Accordingly, it stands dismissed. No costs.

(S.M.S.J.) (C.K.J.)

nv

11.07.2024

To

Secretary to Government,
Revenue Department,

3\4



Review Application No.33 of 2011

Secretariat, Chennai – 9.

2. District Collector,
Salem, Salem District.

3. Revenue Divisional Officer,
Salem, Salem District.

4. Tahsildar,
Salem Taluk, Salem District.

Review Application No.33/2011