



C.R.P.No.2090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

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1. Vijaya Jagadeesan

2. Srinivasan

3. Kannan

4. Manikandan

...Petitioners

vs.

1. The District Collector,
Collectorate,
Thiruvallur District,
Thiruvallur.

2. The Assistant Settlement Officer,
Land Measurement and Settlement Scheme,
Survey House, Chepauk,
Chennai – 600 005.

3. The District Revenue Officer,
Collectorate,
Thiruvallur District,
Thiruvallur.

4. The Revenue Divisional Officer,
Ponneri, Thiruvallur District.

5. The Tahsildar,
Ponneri Taluk,
Thiruvallur District

...Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 23.12.2022 passed in Unnumbered suit in O.S.Sr.No.9242 of 2022 on the file of the Principal Subordinate Judge at Ponneri and to direct the Court below to number the suit.

For Petitioners : Mr.P.Raja

For Respondents : Mr.C.Sathish

Government Advocate

ORDER

This Civil Revision Petition is preferred by the plaintiffs in the unnumbered plaint against the rejection order made on 23.12.2022 in O.S.No.Sr.No.9242 of 2022 on the file of Principal Subordinate Court at Ponneri.

2. Heard Mr.P.Raja, learned counsel appearing for the revision petitioners and Mr.C.Sathish, learned Government Advocate appearing for the respondents.

3. The plaint was presented before the above said Court by the revision petitioners in respect of 28 items of land properties for the relief of declaration title, for permanent injunction not to interfere with the peaceful



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possession and enjoyment of the suit properties, and for mandatory injunction directing the defendants to consider the representation dated 15.02.2017 for issuance of patta. It appears that the suit properties were classified as tank bed poramboke land and later as Kulam-Korvai lands. Therefore, the suit lands are tank beds as per the village records.

4. In this regard, it is useful to extract the observation made by this Court in T.K.Shanmugam Vs. The State of Tamil Nadu reported in 2015 (5) LW 397. Wherein this Court has held that even the tanks which do not fall within the purview of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 also require protection from encroachment, and any encroachment made in such tanks or water bodies have to be removed by following provisions of the Act.

5. Natural resources namely water bodies are the integral part of the people. If they are allowed to be encroached, then it will have negative impact on the lives of the people. The state should always take all possible measures to protect the resources like water bodies, forests etc., so that the ecological balance could be maintained in a better way and that would pave way for a healthy environment for the people, which is enjoined in



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Article 21 of the constitution.

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6. More so, it is also to be kept in mind that the water resources shall not be permitted to be obliterated by the unscrupulous persons. In very many cases, the Hon'ble Supreme Court and this Court in *Animal And Environment Legal Defence vs Union Of India and Others* reported in 1997 (3) SCC 549, certain directions were issued to protect the water resources. In the backdrop of the situation, the learned Sub Judge has elaborately dealt with the matter and concluded that, as per Section 14 of the Land Encroachment Act, civil jurisdiction has been taken away and chose to reject the plaint. I am of the considered view that the impugned order does not suffer from any infirmity or perversity and hence, needs no interference. Accordingly, this Civil Revision Petition stands dismissed. There is no order as to costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Cases : Yes/No
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R.KALAIMATHI, J.

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To

The Principal Subordinate Court, Ponneri

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