



W.P.No.21957 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.21957 of 2024

R.PALANIVEL

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
DISTRICT COLLECTOR OFFICE,
NAMAKKAL DISTRICT.
2. THE DISTRICT REVENUE OFFICER
DISTRICT COLLECTOR OFFICE,
NAMAKKAL DISTRICT.
3. THE SUB DIVISIONAL OFFICER
WATER RESOURCE DEPARTMENT,
SARABANGA OFFICE,
NEAR OLD JUDICIAL MAGISTRATE COURT,
RASIPURAM, RASIPURAM TALUK,
NAMAKKAL DISTRICT.
4. THE TAHSILDAR
TALUK OFFICE,
RASIPURAM TALUK,
NAMAKKAL DISTRICT.
5. THANGARAJ

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent to cancel the patta standing in the name of the 5th respondent in patta No.75 in respect of Survey Nos.2/7, an extent of 18 cents of water body wary poramboke at Ponkurichi Village, Rasipuram Taluk, Namakkal District and consequently direct respondents 1 to 4 to remove the encroachment over the same by considering the petitioner's representation dated 06.11.2023.

For the Petitioner : Mr.M.Elango

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondents 1 to 4

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Complaining that the fifth respondent has been granted patta bearing No.75 in respect of the land in Survey No.2/7 situated at Ponkurichi Village, Rasipuram Taluk, which is classified as an "Odai" [water body], the petitioner sent a representation to the respondent authorities on 6.11.2023. On the basis of the said representation, the fourth respondent directed the Revenue Inspector, Vannanthur



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to take appropriate action. However, the matter was thereafter put on the back burner and no steps were taken by the authorities to conduct an enquiry and cancel the patta granted in favour of the fifth respondent. Hence, the petitioner has filed this writ petition.

2. Learned Government Advocate appearing on behalf of respondents 1 to 4 submitted that the second respondent will conduct an enquiry based on the representation of the petitioner dated 6.11.2023 and take necessary action in accordance with law, after affording an opportunity of hearing to all the interested parties, including the fifth respondent.

3. In view of the submission made by learned Government Advocate, without going into the merits of the matter, we dispose of the writ petition with a direction to the second respondent to conduct an enquiry based on the representation of the petitioner dated 6.11.2023, of course after affording an opportunity to all the interest parties, including the fifth respondent, and pass appropriate orders in accordance with law within a period of twelve weeks from



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the date of receipt of a copy of this order. In case, it is found in the enquiry that the fifth respondent had been granted patta in respect of the land classified as waterbody, then the respondent authorities shall take appropriate disciplinary action against the officer who had issued the patta in favour of the fifth respondent. There shall be no order as to costs.

(D.K.K., ACJ.) (K.B., J.)
01.08.2024

Index : Yes/No
NC : Yes/No
sasi

To:

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NAMAKKAL DISTRICT.
2. THE DISTRICT REVENUE OFFICER
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THE HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.

(sasi)

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