



WEB COPY



W.A.No.3538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Mr. JUSTICE P.DHANABAL

W.A.No.3538 of 2024
AND
C.M.P.No.27446 of 2024

Ramraj

.. Appellant

Vs.

The Tahsildar
Omalur Taluk Office
Salem District

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 08.08.2023 passed by the learned Single Judge in W.P.No.34536 of 2022.

For Appellant : Mr.B.Manimaran

For Respondent : Mr.P.Sathish
Additional Government Pleader

J U D G M E N T

(Delivered by S.S.SUNDAR, J.)

This writ appeal is directed against the order of the learned Single Judge dated 08.08.2023 passed in W.P.No.34536 of 2022, dismissing the writ petition filed by the appellant for issuance of a writ of mandamus directing the



W.A.No.3538 of 2024

respondent to consider the appellant's representation dated 19.09.2022 and to direct the respondent to issue patta to the appellant in respect of the land in survey No.184/3, Karuppur Village, Omalur Taluk, Salem District.

2. It is seen from the records that the learned Single Judge, while dismissing the writ petition held that the land is classified as Tharisu Kallanguthu which is a water body and therefore, the writ petitioner is not entitled to patta. Therefore, this appeal is filed by the writ petitioner on the ground that the land is not a water body as the classification is Kallanguthu.

3. The appellant is right that the land which is classified as Kallanguthu, is not a water body. However, it is not a residential land and the property is a Government poramboke as per the Revenue records and it is admitted by the appellant that proceedings were also initiated for removal of encroachment. It is only at this stage, the appellant has filed the writ petition on the basis of the representation submitted by the appellant for grant of patta.

4. Though the learned Single Judge has presumed that the land is a water body and therefore, no encroachment can be permitted, this Court finds that the appellant has no semblance of right over the property. However, it is stated by



W.A.No.3538 of 2024

the learned counsel that the adjacent land belongs to the appellant under the settlement deed. However, there is no dispute that the subject property is a Government poramboke land.

5. The learned counsel for the appellant submitted that the appellant is enjoying the subject land along with the land to which he is entitled to, as per the settlement deed. He also states that the appellant is entitled to use this land as a person entitled to right of easement. If the appellant is enjoying a right of easement, his claim for title cannot coexist and hence, he cannot claim patta to the property. In such circumstances, this Court is unable to find any merit in the appeal and accordingly, this writ appeal stands dismissed. No costs. Connected C.M.P. is closed.

[S.S.S.R.,J.] [P.D.B., J.]
02.12.2024

Index : Yes/No
Neutral Citation : Yes/No
gya

To

The Tahsildar
Omalur Taluk Office
Salem District



WEB COPY



W.A.No.3538 of 2024

S.S.SUNDAR, J.
AND
P.DHANABAL, J.

gya

W.A.No.3538 of 2024

02.12.2024