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W.P.No.26300 of 2018 & W.M.P. Nos.30557, 30561 & 30563 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.P.No.26300 of 2018 &
W.M.P. Nos.30557, 30561 & 30563 of 2018

1. K. Rajan
2. Kaveri
3. K. Rajkumar

... Petitioners

Vs.

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Tahsildar,
Sholinganallur Taluk
Kancheepuram District.
3. The Revenue Inspector,
Pallikaranai Division,
Sholinganallur Taluk
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of certiorari or any other order, writ or



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direction in the nature of writ of certiorari calling for the records in proceedings in Na.Ka.No. 10905/2018/N1 dated 11.09.2018 on the file of the 1st respondent and quash the same .

For Petitioners : Mr.R. Rajarajan
For R1 to R3 : Mr.A.Selvendran
Special Govt. Pleader.

Ms. L.Akalya Nathan, Advocate Commissioner.

ORDER

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

The proceedings of the District Collector dated 11.09.2018 is sought to be quashed in the present Writ Petition.

2. The petitioners were issued with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity 'the Act'). On receipt of the explanation from the petitioner, the authority competent passed an order under Section 6 of the Act. The petitioner preferred an appeal under Section 10 of the Act before the District Collector, who in turn



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adjudicated the issue and found that the patta produced by the petitioners is doubtful and further, as per the Revenue record, the said property described in the Writ Petition has been classified as 'Meikkal Poramboke (grazing land) and Odai (water body)'. Once the authority competent, scrutinising the revenue records, found that it is a water body or a tank, they are empowered to evict the encroachers by invoking the provisions of Land Encroachment Act, 1905 or Tamil Nadu Protection of Tanks and eviction of encroachment Act 2007, as the case may be.

3. In the present case, the Tahsildar passed an order and the District Collector also considered the issue and passed an order holding that the subject property is classified as 'Meikkal Poramboke and Odai (water body)'.

4. Learned counsel for the petitioners would submit that the petitioners are claiming title over the property based on the assignment granted to their predecessor in title. If so, the petitioners are at liberty to approach the competent Civil Court of Law for the purpose of establishing



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their civil rights independently based on the documents and evidence available on record. However, the authorities/respondents shall proceed with the case in respect of the water body and Government Lands in the manner known to law.

5. With the above observations, the Writ Petition stands dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J] [K.R.S., J]
12.02.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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