



W.P(MD)No.3612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.3612 of 2024

T.Kowshik Raj

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Tenkasi District.
- 2.The Revenue Thashildhar,
Office of the Revenue Thashildhar,
Tenkasi District.
- 3.The District Revenue Officer,
Office of the Revenue Officer,
Tenkasi District.
- 4.The Chief Engineer (Public),
Office of the Public Works and Department,
Chepauk, Chennai - 600 005.
- 5.The Assistant Executive Engineer (Water Resources),
Office of the Water Resources Department,
Tenkasi District.

6.M.Gurusamy

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1-5 respondents to remove illegal encroachment and cancel the patta of the 6th respondent in Government Kanmai Neerpidipu Arasu Purampoku land in S.No.124/22, 124/21B of Kambaneri Pudhukudi Village of Kadayanallur Taluk in Tenkasi District and further direction directing the 1-5 respondents to consider the representation of the petitioner dated on 29.12.2023 within time limit fixed by this Court.

For Petitioner : Mr.M.Anantharaj

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 to R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the official respondents. Considering the nature of relief to be granted, issuance of notice to the sixth respondent is dispensed with.



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2.The grievance of the petitioner is that the petition mentioned survey numbers have been classified as water spread area / water body and that patta has been issued in favour of the sixth respondent in respect of such lands.

3.It is true that a water body cannot be reclassified and patta cannot be issued in favour of the private respondent. The learned Government Advocate states that patta was issued during UDR. If that be so, the petitioner's remedy is to move the third respondent (District Revenue Officer, Tenkasi). The petitioner through his counsel states that he will move the third respondent within a period of three weeks from the date of receipt of a copy of this order. On receipt thereof, the third respondent will conduct enquiry after issuing notice to the sixth respondent as well as other interested persons and pass final order on merits and in accordance with law within a period of three months thereafter.



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4.This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
20.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
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Office of the Revenue Thashildhar,
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- 3.The District Revenue Officer,
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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