



W.P(MD)No.21487 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.01.2024

CORAM

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

W.P(MD)No.21487 of 2019

Allur K.A.Srinivasan

... Petitioner

Vs.

- 1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 5.
- 2.The District Collector,
Thiruchirappalli District,
Thiruchirappalli.
- 3.The Commissioner,
Thiruchirappalli City,
Thiruchirappalli District.
- 4.The Member Secretary,
Local Planning Authority,
Kajamalai,
Thiruchirappalli - 20.
- 5.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Collectorate, Thiruchirappalli.



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6.The Tahsildar,
Thiruchirappalli Taluk (West),
Thiruchirappalli District.

7.V.Gopinathan

8. V.Ravichandran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment in Survey No.1, T.S.No.2, Block No.008 situated at 78 Palayam Bazar, Woraiyur Trichy City, Measuring about 0.91 cents (39,498 Sq.ft) classified as Sarkar Prombok Kulam (Water body).

For Petitioner : Mr.V.Illanchezian

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R6.
Mr.K.S.Vamsidhar for R7 & R8.

ORDER

Heard both sides.



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2.The petitioner's case is that encroachment has been committed in respect of the petition mentioned survey number and that they should be removed. The petitioner would claim that the petition mentioned survey number is a water body.

3.We are unable to countenance the said argument for the simple reason that by decree dated 26.06.1984 in O.S.No.3 of 1979 on the file of Sub Court, Tiruchirappalli, it had already been declared that the petition mentioned land is a private patta land. Till 05.01.2007, the revenue record stood in the name of the private parties. The respondents 7 and 8 had purchased the property from their vendors vide registered sale deed in the year 1995. They had put up apartments and sold them. In these circumstances, the question of entertaining the writ petition does not arise. So long as the Civil Court's decree is holding the field, the private respondents or their alienees cannot be considered as encroachers.



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4.This writ petition stands dismissed. No costs.

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**(G.R.S.J.) & (B.P.J.)
04.01.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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