



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19819 of 2017 AND

W.M.P.(MD)Nos.22376 of 2018 & 17320 of 2023

Kombai Ilayor Trust,
Rep. by its Trustee,
Muthukrishnan, S/o.Rajangam,
Rajaji Street, Kombai, Uthamapalayam,
Theni District.

... Petitioner

Vs.

1. The District Collector,
Theni District.
2. The District Revenue Officer,
Theni District.
3. The Revenue Divisional Officer,
Uthamapalayam Sub-Division, Theni District.
4. The Tahsildar,
Uthamapalayam Taluk, Theni District.
5. Logamani
6. Mallingeshwaran
7. Ramalingam Chettiyar
8. Karuppasamy
9. Karuppasamy
10. Aandal and Others
11. Krishnasamy
12. Suriliyappa Gowder
13. P.Latha



14. P.Rathi
15. P.Sivalaxmi
16. Senthilkumar
17. Rajkumar
18. Pandhu
19. Karuppasamy
20. Siva
21. Ponnai
22. Kamaraj
23. Minor.Murugesan
24.Minor. Tharmaraj
25.Balakrishnan

(R-13 to R-25 are impleaded vide order dated 01.08.2023
in W.M.P.(MD)No.22377 of 2018)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 1st respondent in her proceedings in Na.Ka.No.36589/2016/B5 dated 01.12.2016 and quash the same and directing the respondents No. 1 to 4 to cancel the entire pattas and restore the same in respect of original survey No. 2739, Kombai East Village, Uthamapalayam Taluk, Theni District and consequently desilting Pappukulam Tank to an original extent of 15.42 acre in order to raise ground water.

For Petitioner : Mr.RM.Arun Swaminathan,
for M/s.Chettinad Legal Solutions.

For R-1 to R-4 : Mr.V.Om.Prakash,
Government Advocate.

For R-6 to R-9
& R-18 : Mr.R.Suriya Narayanan

For R-5 &
R-10 to R-17 : No appearance.

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ORDER

Even though we are fully satisfied that survey No.2739, Kombai Revenue village was a wholly classified Oorani, several unfortunate developments had taken place some 40 years ago. Survey No.2739 itself got sub-divided and only two of the survey numbers namely, survey No. 2739/2A1B and survey No.2739/2A1C2 alone remain intact as water-bodies. In the FMB also, detail marks indicate that the entire survey number was Oorani. Even though we are of the view that clock cannot put back at this point of time, we direct the District Administration to ensure that at least survey No.2739/2A1B and survey No.2739/2A1C2 are preserved as water-bodies for all times to come. The order impugned in this writ petition is sustained. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
08th August 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

G.R.SWAMINATHAN, J.



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W.P.(MD)NO.19819 OF 2017

AND

B.PUGALENDHI, J.

PMU

To:

1. The District Collector,
Theni District.
2. The District Revenue Officer,
Theni District.
3. The Revenue Divisional Officer,
Uthamapalayam Sub-Division, Theni District.
4. The Tahsildar,
Uthamapalayam Taluk, Theni District.

W.P.(MD)No.19819 of 2017

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