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W.P.(MD) No.5944 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.5944 of 2013
and
M.P.(MD) Nos.1, 2 & 3 of 2013**

B.Raja

... Petitioner

-VS-

- 1.The Secretary to the Government
Public Works Department
Fort St.George, Chennai
- 2.The District Collector
Sivagangai District
Sivagangai
- 3.The Assistant Commissioner
Department of Land Administration
Chepauk, Chennai
- 4.The District Revenue Officer
Sivagangai District
Sivagangai



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5.The Revenue Divisional Officer
Sivagangai District
Sivagangai

6.Jalavudheen
The Proprietor
Seeni Nainamohamed Holdings
Private Limited
Door No.198, Pandaram Street
Purasaivakkam, Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the proceedings of the fifth respondent order in Dis.No.22955/79, dated 13.09.1979 and quash the same as illegal and consequently direct the respondent Nos.1 to 5 to alter the revenue records in Survey No.1/1 to 1/6 as Vaigai River in Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.P.Thilakkumar
Government Pleder for R1 to R5
Mr.B.Saravanan, Senior Counsel
assisted by Mr.S.Poornachandran for R6



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The order dated dated 13.09.1979, passed by the fifth respondent, requesting the Industrial Deputy Tahsildar, Manamadurai, to issue Patta in Form No.11 to the applicant K.S.Rajendran and accordingly to carry out necessary changes in the Village and Taluk accounts in respect of the subject land, is under challenge in this writ petition.

2. According to the petitioner, the subject land *i.e.* Survey No.1 of Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, is classified as Vaigai River in the revenue records. Despite the same, the fifth respondent, who has no jurisdiction under the provisions of the Tamil Nadu Rivers Conversancy Act, 1884, has passed the impugned order and granted patta.

3. Learned Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that the relief sought for in this writ petition has become infructuous as the fourth respondent, by order dated 26.09.2023, has cancelled the Patta granted to the applicant in respect of the subject land; cancelled the subdivision of the subject land and also cancelled the impugned



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order passed by the fifth respondent and to that effect, he has also produced a copy of the proceedings dated 26.09.2023, passed by the fourth respondent, before this Court.

4. The above submission of the learned Government Pleader is not refuted by the learned counsel for the petitioner.

5. Recording the above submission of the learned Government Pleader, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

29.01.2024

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

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