



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3224 of 2025

Kanagaraj

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Tiruchengode Road,
Namakkal District.

2.The Tahsildar,
Rasipuram Taluk,
Namakkal District.

3.The Assistant Director of Survey,
The office of Namakkal District Collector,
Namakkal.

4.The Firka Surveyor,
Namagiripettai,
Rasipuram Taluk,
Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to preserve and protect the Plan marked Odai Poramboke comprised in S.No.272/2E situated in



Namagiripettai Village, Namakkal District and ensure the plan marked Odai Poramboke is free from hindrance by considering the petitioner's representation dated 19.8.2024.

For Petitioner : Mr.S.Senthil

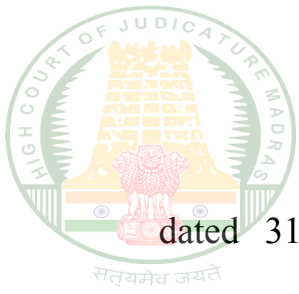
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 19.08.2024, wherein, the petitioner is complaining that one A.N.Krishnan and V.Natesan are attempting to utilise S.No.272/2E which is a water body.

2.Heard Mr.S.Senthil, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 to 4.

3.The specific case of the petitioner is that the said Krishnan and Natesan filed an injunction suit against the petitioner in O.S.No.109 of 2016 and in that suit, they also claimed ownership with respect to S.No.272/2E by virtue of a Sale Deed



dated 31.08.2006. The suit was dismissed by judgement and decree dated 15.04.2019. Aggrieved by the same, an appeal was filed in A.S.No.6 of 2022 before the Sub Court, Rasipuram. While dealing with the appeal, one of the point for consideration was whether the property in S.No.272/2E belongs to the said Krishnan and Natesan. It is stated that the first Appellate Court rendered a specific finding that the property is not in their possession and it is a water body. In spite of the same, the said Krishnan and Natesan were attempting to claim ownership over the water body in S.No.272/2E. It is under these circumstances, the representation came to be given by the petitioner. Since the same was not considered, the present writ petition has been filed before this Court.

4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the said Krishnan and Natesan have submitted an application seeking for the survey of the property in S.No.272/2E. Unfortunately, the petitioner has not added these two persons as respondents in the present writ petition. That apart, the representation given by the petitioner is directed against the above two persons.

5. In view of the above, as and when any survey is conducted by the revenue



authorities with respect to S.No.272/2E, they shall take into consideration the judgement and decree passed by the competent Civil Court and also shall verify as to whether S.No.272/2E is a water body. Thereafter, they shall take an appropriate decision in accordance with law. This clarity will sufficiently take care of the grievance expressed by the petitioner and it will also safeguard the interest of the revenue.

6.This writ petition is disposed of in the above terms. No Costs.

04.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

SSR

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