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W.P.No.1242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2025

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.1242 of 2025
and W.M.P.No.1496 of 2025

1.S.Anandhi

2.S.Mahalakshmi

3.K.Raja

4.R.Sridhar

5.P.Babu

6.P.Velmurugan

...Petitioners

Vs.

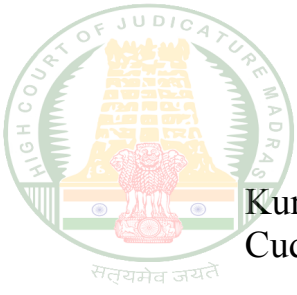
1.The Collector,
Cuddalore District,
Cuddalore – 607 001.

2.District Revenue Officer,
Cuddalore District, Cuddalore.

3.The Revenue Divisional Officer,
Cuddalore – 607 001.

4.The Tahsildar,
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.

5.The Block Development Officer,



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Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.

6.President,
Arangamangalam Panchayat,
Arangamangalam, Kurinjipadi Taluk,
Cuddalore District.

7.Sub-Registrar,
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.

8.S.Balamurugan

9.S.Vijayakumar

10.Murugan

11.Rajasulochana

12.Ramesh

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3 to conduct a detailed enquiry into the grant of Patta No.654 & 705 issued to respondents 8, 10 and 11 in respect of Government channel in R.S.No.54 by wrongly mentioning as S.No.52/16A1A1A1AF-Hec.1.03.08 in Rajakuppam Village, Kurinjipadi Taluk, Cuddalore District and cancel the same by considering the representation dated 06.10.2023 given by the petitioners.

For Petitioners : Mr.D.Baskar



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For Respondents : Mr.A.Selvendran for R1 to R5 & R7
Special Government Pleader

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ORDER

This Writ Petition is filed to direct the respondents 1 to 3 to conduct a detailed enquiry into the grant of Patta Nos.654 & 705 issued to respondents 8, 10 and 11 in respect of Government channel in R.S.No.54 by wrongly mentioning as S.No.52/16A1A1A1AF-Hec.1.03.08 in Rajakuppam Village, Kurinjipadi Taluk, Cuddalore District and cancel the same by considering the representation dated 06.10.2023 given by the petitioners.

2.The petitioner would submit that the 9th respondent purchased the property and formed a layout in the name “Sri Maruthi Nagar” with 98 plots in R.S.No.52/16 Ac.4.82 and R.S.No.52/12 Ac.1.08, totalling Ac.5.90 in Rajakuppam Village, Kurinjipadi Taluk. In that layout, there is no reservation for public places. The said layout was approved by the 6th respondent on 08.09.2001. Though the approval was obtained on 08.09.2001, it was not dealt with. The 8th respondent obtained a Power of Attorney Deed dated 19.09.2006 from the 9th respondent and has sold away the plots. The petitioners purchased plot Nos.4, 5, 6, 8 and 10 under registered Sale Deed and living in houses constructed upon the plots. There



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is a 23 feet wide layout south of the plots purchased by the petitioner and further south is the Virudhachalam – Cuddalore Highway.

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3. In between the layout road and the Highway lies R.S.No.54 which is a Government poramboke property which is a channel. The channel is a Government channel which has been in existence for centuries. Rain water gathers around the layout and its surroundings and water drains out only through the channel. Field Map taken on 22.09.2023 shows the existence of a channel running across S.No.54. However, the latest google map shows this channel as having shrunk. 'A' register, patta or chitta are not available on the internet clearly suggesting that S.No.54 is certainly a poramboke property, a water body. A bogus field map or a wrong field map has been uploaded on 27.02.2023 regarding S.No.52 including S.No.54. A major portion of S.No.52 is made up of S.No.52/16 and 52/12 totally measuring 5.90 acres as 2.36.00 hectares.

4. After creating such a plan, a joint patta has been given in the names of the respondents 8, 10 and 11 for an extent of hec.1.03.08 by sub dividing



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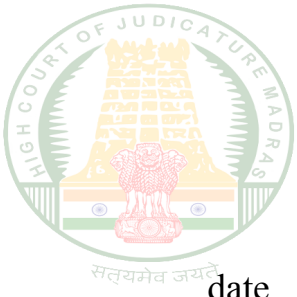
it as S.No.52/16A1A1A1AF.

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5.The patta actually relates to S.No.54, a water body, a channel or road which has been fraudulently issued by giving the survey number of a survey number already converted as plots by the very person. The lands in S.Nos.52/16 and 52/12 have been converted into plots and sold away. The petitioner sent a representation dated 06.10.2023 to the respondents 1 to 4 to remove the encroachment, but no reply has been received till date. However, the Chief Minister's Cell seems to have taken action over the complaint whereupon the Block Development Officer, Kurinjipadi i.e. the 5th respondent alone sent a reply to each of the petitioners.

6.The reply dated 26.12.2023 stated that to remove the encroachment, the 4th respondent has to be instructed to measure the property. Hence, the issue of patta in respect of a channel or even a road is illegal. The respondents have colluded together and played fraud to issue patta in the names of the respondents 8, 10 and 11. Therefore, the petitioner is before this Court.

7.Heard the learned counsel on either side and perused the materials available on record.



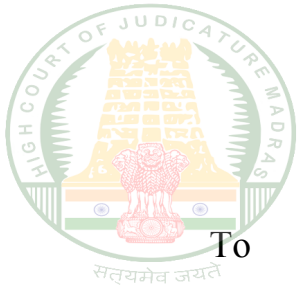
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8.The representation dated 06.10.2023 has not been considered till date. The representation that is made is that a water body has been fraudulently converted into patta land. When Courts have been directing removal of encroachments over water bodies, the Revenue cannot circumvent these directions by such actions of changing the revenue records. Therefore, it is imperative that the petitioner representation be considered in all its earnestness. Therefore, the writ petition is allowed, a mandamus is issued to the respondents 1 to 3 to pass appropriate orders after conducting a detailed enquiry after issuing notice to the petitioner as well as the respondents 8 to 11. The said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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P.T.ASHA, J.

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