



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4245 of 2025
and W.M.P.Nos.4750 & 4752 of 2025

E.Dhanakrishnan

... Petitioner

Vs.

- 1.The District Collector,
The District Collectorate,
Tiruvallur District.
- 2.The District Revenue Officer,
The District Collectorate,
Tiruvallur District.
- 3.The Revenue Divisional Officer,
Tiruttani Taluk,
Tiruvallur District.
- 4.The Tahsildar,
Pallipattu Taluk,
Tiruvallur District.
- 5.The Executive Engineer,
Water Resources Department,
Kosasthalai River Watershed Zone,
Tiruvallur.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records pertaining to the order passed by the 2nd respondent dated 11.11.2024 in Na.Ka. 2011443/2024/Aa1 and quash the same

For Petitioner : Mr.L.Ramu

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

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 11.11.2024 wherein, the application submitted by the petitioner seeking for patta with respect to the subject property has been rejected and a direction has been issued to the 5th respondent to take possession of the property.

2.Heard Mr.L.Ramu, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents 1 to 5.



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3.The case of the petitioner is that he is in possession and enjoyment of the subject property in S.No.333/1 and he has cultivated nearly 55 teak trees, 5 coconut trees and nearly 30 mango trees and is possession and enjoyment for nearly fifty years. During the UDR Scheme, S.No.333 was subdivided as S.Nos.333/1 and 333/2. Insofar as the S.No.333/1 is concerned, it was categorized as a water body and S.No.333/2 was categorized as the Academy for Training the Police for shooting. The petitioner is seeking for patta with respect to S.No.333/1. He also wanted the entry made in the 'A' Register to be rectified. Since the same was not considered, the petitioner has approached this Court and filed the writ petition in W.P.No.14087 of 2024. This writ petition was disposed of by an order dated 24.05.2024, directing the 2nd respondent to deal with the representation made by the petitioner.

4.Pursuant to the above order, the impugned proceedings dated 11.11.2024 came to be issued by the 2nd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.



5. On carefully reading the impugned order passed by the 2nd respondent, it is seen that S.No.333 was originally categorized as a Vaikal and it was entered as a Government Poramboke. During the UDR Scheme, it was sub divided and S.No.333/1 is now shown as a Government Poramboke and it categorized as a water body. Insofar as S.No.333/2, it is also categorized as a Government Poramboke and shown as the Academy for Training the Police for shooting.

6. The petitioner wanted the 2nd respondent to alter the categorization in the 'A' Register and to issue patta in his favour. S.No.333 was always shown as a Vaikal in the 'A' Register even before the UDR Scheme. Therefore, there is no question of directing the authority to alter the entry and to grant a patta in favour of the petitioner. If such direction is given, it will go against the directions issued by the Division Bench of this Court wherein, it has been held that no patta should be issued for lands which are categorised as a water body. In view of the same, there is no question of granting patta in favour of the petitioner with respect to the subject property.

7. The other grievance that has been expressed by the petitioner is that the petitioner is in possession and enjoyment for more than 50 years and there are



standing trees in the property. While so, a direction has been issued to the Tahsildar to straight away take possession of the property. The fact that the petitioner is in possession of the property and there are standing trees is evident from the order passed by the 2nd respondent. Therefore, the petitioner cannot be straight away evicted by the 5th respondent without following the proper procedure.

8. In view of the above, it is left open to the petitioner to workout his remedy in the manner known to law and if at all any such eviction proceedings are initiated, the petitioner shall be put on notice and shall be heard and due process of law should be followed.

9. In the result, this writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

13.02.2025

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



N. ANAND VENKATESH, J.

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