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W.P.Nos.24769 of 2018 & ...

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.05.2025

Pronounced on : 19.08.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.Nos.24769, 24770, 24771, 25798, 25816, 25820, 25952 & 26059 of 2018
and W.M.P.Nos.28793, 28794, 28795, 28796, 28797, 29798, 30001, 30004,
30024, 30027, 30028, 30030, 30171, 30178, 30282 & 30284 of 2018**

W.P.No.24769 of 2018:-

A.Ganesan

... Petitioner

Vs.

- 1.The District Revenue Officer,
Thiruvallur District,
Office of the District Collector,
Thiruvallur District – 602 001.
- 2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.
- 3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.



W.P.Nos.24769 of 2018 &.....

For Petitioner

: Mr.S.Thankasivan

For Respondents

: Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

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W.P.No.24770 of 2018:-

M.Jothi

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur District,Office of the District Collector,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

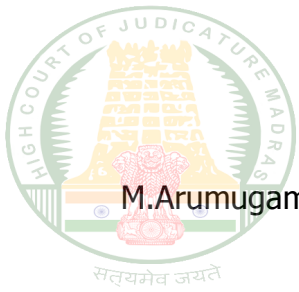
For Petitioner

: Mr.S.Thankasivan

For Respondents

: Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

W.P.No.24771 of 2018:-



W.P.Nos.24769 of 2018

M.Arumugam

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur District,
Office of the District Collector,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

W.P.No.25816 of 2018:-

B.Sekar

... Petitioner



W.P.Nos.24769 of 2018

Vs.

1.The District Revenue Officer,
Thiruvallur District,
Office of the District Collector,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

W.P.No.25798 of 2018:-

K.Menaga

... Petitioner

Vs.



W.P.Nos.24769 of 2018

1.The District Revenue Officer,
Thiruvallur District,
Office of the District Collector,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

W.P.No.25820 of 2018:-

K.Babu

... Petitioner

Vs.

1.The District Revenue Officer,



W.P.Nos.24769 of 2018

Thiruvallur District,
Office of the District Collector,
Thiruvallur District – 602 001.

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2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

W.P.No.25952 of 2018:-

K.Murugan

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur District,



W.P.Nos.24769 of 2018

Office of the District Collector,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

W.P.No.26059 of 2018:-

M.Muthusamy

... Petitioner

Vs.

1.The District Revenue Officer,
Thiruvallur District,



W.P.Nos.24769 of 2018

Office of the District Collector,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer
Cum Sub Collector,
Ambattur Division,
(formerly Ponneri Division, Ponneri,
Thiruvallur District),
Ambattur, Chennai – 600 053.

3.The Tahsildar,
Poonamallee Taluk,
(formerly Maduravoyal Taluk,
Previously Ambattur Taluk),
Poonamallee,
Chennai – 600 056.

... 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 relating to the impugned order dated 17.08.2018 passed by the 1st respondent Ref. RC.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner and similarly placed persons, in all revenue records.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.J.Ravindran, Additional Advocate General,
assisted by Mr.Mohamed Sathik,
Government Advocate.

* * *

COMMON ORDER

(By G.R.SWAMINATHAN, J.)

Heard both sides.



W.P.Nos.24769 of 2018

2. In these writ petitions, the order dated 17.08.2018 passed by the District Revenue Officer, Thiruvallur District is under challenge.

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3. There are only eight writ petitioners who are residents of what is known as Shanmuga Nagar in Thiruverkadu Village. All of them had been granted patta. The pattas were cancelled by the jurisdictional Sub-Collector vide proceedings dated 05.01.2006. Challenging the same, Sri Shanmuga Nagar Welfare Association filed WP.No.32613 of 2017. The said writ petition was disposed by the Hon'ble Division Bench vide order dated 02.04.2018 by granting liberty to the individual members of the association to file individual appeals before the District Revenue Officer, Thiruvallur. Availing the said liberty, appeals were filed before the District Revenue Officer, Thiruvallur. The District Revenue Officer, Thiruvallur vide order dated 17.08.2018 dismissed the appeals. Challenging the same, these writ petitions have been filed.

4. Before the District Revenue Officer, the petitioners herein had contended that they have title over the lands and that the Government cannot dispossess them except by due process of law. This contention though referred to was not at all dealt with. Relying on the Tahsildar's report which indicated that during UDR, the land had been re-classified as river poramboke, the revision petitions were dismissed.

5. It is seen that the lands in question originally belonged to one Amelia Sam. She owned a large extent of land in Noombal and Puliampet Villages. One Gregory Sam in his capacity as executor of the Will sold a substantial extent of land in favour of one



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T.S.Ramasamy Iyer. Subsequently, several proceedings took place. Finally, it was held that the petition mentioned land of Noombal Village was not an inam land but a free-hold land. It is well settled that once the land has been classified as free-hold land, the provisions of Tamil Nadu Act 31 of 1973 will kick in. In the decision reported in **(1993) 1 MLJ 527 (Sri Mahalingaswami Devasthanam Vs. State of Tamil Nadu)**, it was observed that the object of the Act is only to provide for levy of ryotwari assessment on free-hold land and it cannot purport to affect or alter in any manner other rights in the free-hold land.

6. When the lands in question were free-hold lands and pattas were also issued, it was not open to the Revenue Divisional Officer to unilaterally cancel the same. The principles of natural justice were not complied with. There is also considerable merit in the contention of the writ petitioners that they were not put on notice before the lands were reclassified as river poramboke. We, therefore, set aside the orders impugned in these writ petitions.

7.The matter cannot rest there. We cannot close our eyes to the ground realities. From the materials on record, it can be seen that what goes by the name "Shanmuga Nagar" is located right in the Cooum River. In the year 2005, it was totally sub-merged due to flooding. This sudden turn of events led the jurisdictional Sub Collector to cancel all the pattas. It is true that Noombal Village was originally declared as "free-hold land". Where the land in question though technically declared as free-hold is actually a part of a water body, the Government ought to take recourse to acquisition proceedings. Cooum



River flows through Noombal Village. The respondents have made available the FMB. The

Water Resources Department has been maintaining records that date back more than a

century. From this FMB, one can very easily conclude that Shanmuga Nagar forms part of what is known Cooum River. In Tamil Nadu, even tanks were originally allowed to be held privately. Following the enactment of a number of Inam Abolition Laws, even settlement pattas were given for water bodies. But subsequently, during 1970's, amendments were made in all the statutes pertaining to Inam Abolition Laws to provide that pattas granted in respect of water bodies would be null and void. The doctrine of public trust and the principle of inter-generational equity demand that the water bodies be held by the community at large and are not in the hands of individuals. Water bodies following encroachment lose their character. The Hon'ble Supreme Court in the decision reported in **(2019) 4 SCC 500 (Sarvepalli Ramaiah (D) Lrs. Vs The District Collector, Chittoor District)** held that no water body can be alienated and that no patta can be granted in respect of tanks and water bodies including those that might have dried up or fallen into disuse. The Hon'ble Supreme Court emphasized the need to retain and restore water bodies. We, therefore, even while setting aside the orders impugned in these writ petitions, direct the State Government to take emergent steps to acquire the lands held by the writ petitioners herein. It is needless to add that due process of law has to be observed and compensation has to be paid to the writ petitioners.

8.It is stated that there are a number of residents in Shanmuga Nagar. They have not come before us. The benefit of this order would be available to the writ petitioners and persons similarly situated i.e., those who have been benefited with a patta.



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9.The materials on record convincingly demonstrate that Shanmuga Nagar is located on Cooum River bed. Satellite images taken during flood confirm the vulnerable locale of Shanmuga Nagar. It can be seen that Shanmuga Nagar was totally sub-merged. An environmentalist once remarked that by making changes in the revenue record, the government may regularize an encroachment. But nature will not. A river never forgets its usual path. When nature shows its fury, it sub-merges all the lands that come in its way whether they are patta lands or non-patta lands. From what follows the ravages of a flood, one can realize what was the original width of the river.

10.The learned Additional Advocate General submitted that the residents of Shanmuga Nagar will not be rendered roofless. In fact, pucca tenements have already been constructed and they are ready for occupation. He even indicated that the approximate value of each of the tenement would be not less than Rs.18 Lakhs. We permit the authorities to issue notices to the other residents of Shanmuga Nagar and evict them after giving them reasonable time. All that they need to do is to offer their bio-metric details. The respondents are ready to hand over keys to them, the moment they vacate the premises in question.

11.We direct the authorities concerned to ensure that all the encroachments in Cooum River are cleared within a period of eight weeks from the date of receipt of a copy of this order. The District Collector, Thiruvallur District and the Commissioner of Police, Avadi Police Commissionerate are directed to extend their fullest assistance and



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cooperation to ensure that this drive is successfully completed. If the authorities fail to clear the encroachments as mandated above, it will constitute contempt of Court.

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12. With the aforesaid directions, the writ petitions are allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) & (V.L.N., J.)

19.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ias/SKM

To:

1. The District Revenue Officer, Thiruvallur District,
Office of the District Collector, Thiruvallur District – 602 001.
2. The Revenue Divisional Officer cum Sub Collector,
Ambattur Division, (formerly Ponneri Division, Ponneri,
Thiruvallur District), Ambattur, Chennai – 600 053.
3. The Tahsildar, Poonamallee Taluk, (formerly Maduravoyal Taluk,
Previously Ambattur Taluk), Poonamallee, Chennai – 600 056.



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W.P.Nos.24769 of 2018 &&.....

**G.R.SWAMINATHAN, J.
AND
V.LAKSHMINARAYANAN, J.**

ias/SKM

**W.P.Nos.24769, 24770, 24771, 25816,
25798, 25820, 25952 & 26059 of 2018**

19.08.2025