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Writ Petition No.29497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.29497 of 2024

and

W.M.P.No.32149 of 2024

Gowri

W/o.Subbarayan

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Kancheepuram District.

2.The Revenue Divisional Officer,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

3.The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 28.08.2024 passed by the first respondent in Na.Ka.No.1307/2024/A2 and quash the same and consequently, direct the first respondent to issue Grama Natham Patta in respect of the petition mentioned property.



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For Petitioner : Ms.B.Sharmila
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 28.08.2024 and for a consequential direction to the first respondent to issue Grama Natham patta in favour of the petitioner with respect of the subject property.

2. The case of the petitioner is that she is the owner of the subject property by virtue of a registered sale deed dated 03.01.1990. The petitioner was in possession and enjoyment of the property. The petitioner applied for issuance of patta in her name with respect to the subject property. Since the same was not considered, the petitioner filed W.P.No.34684 of 2022 before this Court for a direction to the Tahsildar to consider the representation and pass orders. This writ petition was disposed of by an order dated 02.01.2023.



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3. Pursuant to the above order, the impugned proceedings dated 28.08.2024 came to be issued by the first respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The third respondent has filed a counter. In the counter affidavit, a specific stand has been taken to the effect that the patta was issued to some of the adjacent land owners pursuant to the Government Order in G.O.Ms.No.168, dated 27.03.2000. However, a writ petition came to be filed before this Court in W.P.No.22274 of 2007 and a Division Bench of this Court made it very clear that insofar as water bodies/water course poramboke lands, there is no question of regularisation or issuance of patta and that in such cases, steps must be taken to evict the person from the property. Subsequent to this judgment, no patta has been issued in favour of anyone. Accordingly, the respondents have sought for the dismissal of this writ petition.

5. Heard Ms.B.Sharmila, learned counsel for petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for respondents.



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6. In the considered view of this Court, the property in question has been categorized as a water course poramboke. It is true that patta was earlier issued in favour of some of the adjacent land owners. However, pursuant to the judgment of the Division Bench of this Court, there is no question of granting patta in favour of any person, who is found in possession of such a water body. If such patta is issued, it will amount to violation of the orders passed by the Division Bench and may attract contempt proceedings.

In the light of the above discussion, there is no ground to interfere with the order passed by the first respondent and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.02.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

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