



W.P.(MD)No.1335 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1335 of 2025

and

W.M.P.(MD)No.912 of 2025

- 1.Vasanthakumar
- 2.Manikandan
- 3.Arunadevi
- 4.Syedali Fatima
- 5.UdumanBeevi

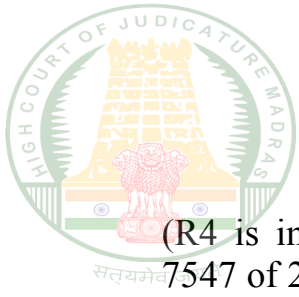
... Petitioners

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
Madurai Municipal Corporation,
Madurai.
- 3.The District Revenue Officer /
Additional District Magistrate,
Madurai District, Madurai.

- 4.Packiam

...Respondents



W.P.(MD)No.1335 of 2025

(R4 is impleaded vide Court order dated 22.07.2025 made in W.M.P.(MD)No. 7547 of 2025 in W.P.(MD)No.1335 of 2025)

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PRAYER: Petition 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 in Ni.Mu.No.1168702/2023/G5, dated 08.11.2024 passed by the 3rd respondent and quash the same and consequently, to direct the 3rd respondent to issue computerized patta to the petitioners by updating the classification of the land in T.S.Nos.66 and 67, Tallakulam Village, Madurai North Taluk, Madurai.

For Petitioners	: Mr.S.Anwar Sameem
For R1 & R3	: Mr.V.OM.Prakash, Government Advocate
For R2	: Mr.P.Anbunidhi, Standing Counsel
For R4	: Mr.V.Muthumani

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order of the District Revenue Officer, Madurai / 3rd respondent vide proceedings dated 08.11.2024, rejecting the claim of the petitioners for grant of patta, is under challenge in this Writ Petition.



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2.The impugned order further states that in the event of claiming any right, the petitioners may approach the competent civil Court of law.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the patta holders and they submitted application seeking name change, however, the same was rejected.

4.A perusal of the impugned order reveals that elaborate adjudication was done by the 3rd respondent, regarding the classification of the land and about the encroachments made. It is found that the 3rd respondent has passed the impugned order pursuant to the order passed in W.P.(MD)No.1333 of 2023 on 22.02.2023. The authorities competent have conducted enquiry and found that the subject property is water body (Vaikal). It is highly objectionable and the people of that locality are also filed complaint for removal of the encroachment in the water body since, they are facing frequent flooding during rainy season and mixing of drainage water with the drinking water. On account of serious allegations raised by the people residing in the locality, the 3rd respondent has conducted survey, identified the water body and refused to grant patta in favour of the petitioners.



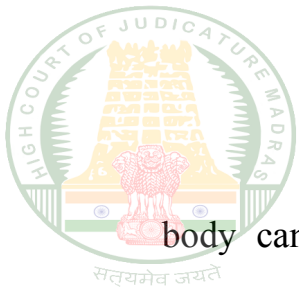
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5. Though the learned counsel appearing for the petitioners states that the petitioners are holding patta and there is another order in their favour by the 3rd respondent, the issues relating to civil rights are to be decided only by the competent civil Court and not by the revenue authorities. Even High Court in a Writ proceedings cannot adjudicate the disputed facts of civil in nature.

6. The learned Standing Counsel appearing for the 2nd respondent would submit that the authorities competent identified the subject property as a water body and encroachments are resulting in flooding during rainy season in Madurai Corporation area, which is creating health concern to the people residing in that locality. Therefore, they have initiated action to remove the encroachments.

7. It is needless to state that if the encroachers are landless poor people, then they are at liberty to file an appropriate application before the competent authorities under anyone of the welfare schemes for the purpose of providing alternative land for construction of dwelling houses. Alternative land must be provided only by verifying eligibility criteria and other factors and terms and conditions of the Government schemes. However, the encroachments in water



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body cannot be permitted, since it will result in serious consequences, more specifically, in urban areas.

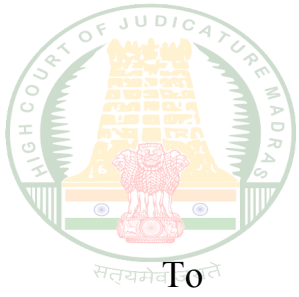
8.In the present case, the order of the 3rd respondent is categorical that the encroachments are in water body and thus, this Court is not inclined to consider the relief as such sought for in the present Writ Petition. Therefore, the 2nd respondent is directed to remove the encroachments in the water body, within a period of twelve (12) weeks from the date of receipt of a copy of this order. The 2nd respondent shall complete the enforcement action, if necessary with the assistance of the Police officials.

9.With the above direction, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
22.07.2025
(2/3)

NCC : Yes / No
Index : Yes / No

Yuva



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