



W.P(MD)No.6220 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.6220 of 2025
and
W.M.P(MD)Nos.4560 to 4562 of 2025**

- 1.Murali
- 2.Mariammal
- 3.K.Lakshmi
- 4.P.Ravichandran
- 5.M.Bavani
- 6.P.Mookkayee
- 7.P.Lakshmi
- 8.T.Chandra
- 9.V.Vasuki
- 10.M.Boomadevi
- 11.G.Veerammal
- 12.U.Murugan
- 13.Baby
- 14.Ayyappan
- 15.Vallimayil
- 16.Sundarapandi
- 17.Suresh
- 18.Vaijeyanthi
- 19.Banu
- 20.Xavier
- 21.Mahendran
- 22.Vetrivelmurugan
- 23.V.Pandi
- 24.M.Chellammal



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25.Manikandan
26.Maheswari
27.Chandran
28.Manikandan
29.Amutha
30.R.Vellaithai

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Madurai District.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3.The Assistant Engineer,
W.R.D,
Nilaiyur Section,
Nilaiyur,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Form - III Notice under Sub Rule (1) of Rule 6 of Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007 dated 31.12.2024 issued by the third respondent and quash the same as unconstitutional and illegal and consequently direct the respondents 1 and 2 to issue housing pattas for the land bearing Survey Nos.92 and 93 to the residents of Sornam Colony, Thirunagar, Madurai Corporation by taking into account the proceedings of the second respondent dated 27.08.2009 in Na.Ka.No.C3/19148/2009 and Section 12 of the Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007.



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For Petitioners : M/s.A.Rajini

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

Heard both sides.

2.The petitioners question the Form -3 notice issued by the third respondent. The subject matter pertains to Survey No.92. Revenue record was produced before us. It is seen therefrom that Survey No.92 has been classified as “Puliyankulam Kanmoi”. It is obviously a water body. Therefore, the petitioners' request for grant of patta cannot be accepted. The petitioners have also not made out any case for interfering with the impugned Form-3 notice. The petitioners do not have any semblance of title. It is true that they have been in occupation of the same for quite sometime. Even long possession of water body will not confer any right or title. We, however, permit the petitioners to submit the representations before the first respondent. The first respondent will consider granting alternative site to those applicants who are eligible as per the extant norms. The petitioners are given a breathing time of six months from today (06.03.2025) before they are dispossessed.



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WEB COPY 3.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
06.03.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

- 1.The District Collector,
Collectorate,
Madurai District.
- 2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.
- 3.The Assistant Engineer,
W.R.D,
Nilaiyur Section,
Nilaiyur,
Madurai District.



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and

B.PUGALENDHI, J.

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