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W.P.(MD)NO.2597 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2597 of 2024

V.Karuppu

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai District.
3. The Revenue Divisional Officer,
Melur Division,
Madurai.
4. The Tahsildar,
Melur Taluk,
Madurai.
5. The Commissioner,
Kottampatti Panchayat Union,
Kottampatti,
Madurai District.
6. The Block Development Officer,
(Village Panchayat),
Kottampatti Panchayat Union,
Kottampatti,
Madurai District.



WEB COPY 7. The President,
Kottampatti Panchayat,
Kottampatti,
Madurai District.

8. Mugamathu Ibrahim
9. Parvathi
10. Shanmugam
11. Keethanjali
12. Prabhuram
13. Perumal
14. Nagarajan
15. Chellammal
16. Gunasekaran
17. Ramzan
18. Raja Mohhamed
19. Sat Mohhamed
20. Abdul Salam
21. Rasia Beevi
22. Mallika
23. Muneeswaran
24. Sikith
25. Rajendran
26. Santhi
27. Dhanabal
28. Raja Mohhamed
29. Mookaiah
30. Bhanumathi
31. Thangaraj
32. Gunasekaran
33. Ragumathbegam
34. Pandiammal
35. Santhi
36. Muthupetchi
37. Parameshwari
38. Ramesh
39. Pandi
40. Ganeshan



- 41.Murugeshan
42.Ravichandran
43.Raman
44.Bazhariya
45.Fatima Beevi
46.Amutha
47.Mariammal
48.Radha
49.Parisha Beevi
50.Rajammal
51.Arumugam
52.Veerakumari
53.Mohhamed Sharibu
54.Kaja Maideen
55.Kowsalya
56.Thuraipandi
57.Gopal
58.Leela

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to cancel the sub division of S.No.264/12B1 and 264/12B2 of Vallikon Kulam and S.No.247/1 of Konar Kulam and S.No.202 Public Pathway and cart track in Kottampatti Village, Melur Taluk and to remove the encroachments made upon the water bodies and the public pathway and cart track and to restore the same in its original position as shown in the settlement register and the corresponding field map sketch, within the time limit that may be fixed by this Court.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For R-1 to R-7 : Mr.K.Balasubramani,
Special Government Pleader.



For R-13 : Mr.M.Kannan

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For R-15,R-17,R-18

R-26 to R-28,R-36

R-54 : Mr.C.Jeganathan

For R-25 to R-29

& R-47 : Mr.S.Jeyaraj

For R-14,R-23,R-35,

R-46,R-50,R-53,

R-56&R-58 : No appearance.

* * *

ORDER

Heard both sides.

2. The petitioner primarily questions the Sub Division effected in survey Nos.264/12B1 and 264/12B2 Kottampatti Village. The petitioner points out that the entire survey number was originally classified as water body. This submission is well founded. But then, way back on 04.06.1968, the District Collector, Madurai had issued proceedings for reclassifying the said survey numbers. He also assigned a portion of the said lands in favour of 46 persons as per the proceedings. It is seen therefrom that 2.86 acres out of 4.16 acres was retained as water body and the remaining lands were assigned to



individuals. This reclassification took place before UDR and as a result, survey No.264/12B1 is classified as Grama Natham. When these changes have been made several decades ago, it would not be fair to interfere at this point of time.

3. We direct the official respondents to ensure that survey No.264/12B2 is maintained as water body for all times to come. Similar direction is issued for survey No.247/1 also. This writ petition stands disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
25th February 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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