



W.A.(MD)No.179 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)No.179 of 2022
& W.P.(MD)No.21460 of 2022
and
C.M.P.(MD)No.1758 of 2022

W.A.(MD)No.179 of 2022

P.Ramasamy

... Appellant

-Vs-

1.P.Dhanapal

2.Kundrakudi Village Panchayat,
Rep., through its President,
Kundrakudi, Thirupathur Taluk,
Sivagangai District.

3.The Commissioner,
Land Administration,
Chapauk, Chennai.

4.The District Collector,
Sivagangai District.

... Respondents

(R3 & R4 are suo-motu impleaded as per the order of this Court dated 29.11.2023 made in W.A.(MD)No.179 of 2022)

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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.12.2021 made in W.P.(MD)No.1193 of 2021 on the file of this Court.

For Appellant : Mr.A.Rahul
For R1 : Mr.S.Vashik Ali,
for Mr.D.Nallathambi
For R2 : No Appearance
For R3 & R4 : Mr.P.Thilak Kumar,
Government Pleader

W.P.(MD)No.21460 of 2022

C.Vijaya Ragunathan

... Petitioner

-Vs-

- 1.The Commissioner of Land Administration,
Chapauk, Chennai.
- 2.The District Collector,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk, Sivagangai District.
- 4.The President,
Kundrakudi Village Panchayat, Kundrakudi,
Sivagangai District.

5.P.Dhanapal

... Respondents



W.A.(MD)No.179 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to cancel the patta issued in respect of the land bearing S.No.153/6 in Kundrakudi Village, Thirupathur Taluk, Sivagangai District in favour of the 5th respondent and to restore the land for the common enjoyment of all the public in consideration of the petitioner's representation dated 13.04.2022.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 to R3 : Mr.P.Thilak Kumar,
Government Pleader

JUDGMENT

[Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***]

The Writ Appeal is directed against the order of the Writ Court dated 21.12.2021 made in W.P.(MD)No.1193 of 2021.

2.The Writ Petition has been instituted to direct the respondents 1 to 4 to cancel the patta issued in respect of the land bearing S.No.153/6 in Kundrakudi Village, Thirupathur Taluk, Sivagangai District in favour of the 5th respondent and to restore the land for the common enjoyment of all the public in consideration of the petitioner's representation dated 13.04.2022.



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3.The District Collector, Sivagangai District filed status report in the Writ Appeal, after considering the entire facts relating to the subject property. The relevant portion of the same reads as follows:-

“18. It is respectfully submitted that Assistant Settlement Officer is not having any power to issue patta for water body and further on the date of entertaining the application the Assistant Settlement Officer is not having jurisdiction to entertain the same and further the resolution passed by the Village Panchayat under which 1st respondent/writ petitioner herein claim right is also do not have any statutory force as the same was not recognized by the statutory authority. It is respectfully submitted that 1 respondent/writ petitioner, herein, do not have any valid title over the lands in question and further the patta issued in favour of his father is by the Assistant Settlement Officer who involved in a scam and issue without jurisdiction and therefore, the same is liable to cancelled.

19. It is respectfully submitted that after taking note of all the above facts I have suitably instructed to take necessary steps for cancelling the revenue entries in respect of lands in Survey.No.153/6 measuring 0.05.80 Hectares Situated Kunnakudi, Thirupathur Taluk, Sivagangai District and to restore the water body (kuttai) as it was in Natham Settlement periods after final orders passed in W.A.



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(MD).No.179 of 2022 and W.P.(MD).No.21460 of 2022 appropriate orders would be passed after following due process of law. This respondent reserves their right to file additional status report if and when necessary.”

4.As per the report of the District Collector, encroachments are identified in water body. Thus, no patta can be issued and any patta granted is to be construed as illegal and has to be cancelled by the revenue authorities and encroachments are also to be removed.

5.In view of the fact that the District Collector has elaborately considered the issues and filed status report, which would show that encroachments are identified in the water body, the official respondents are directed to remove the encroachments in the water body and restore the same to preserve the water body for the benefit of the people of that locality. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With these directions, both the Writ Appeal and the Writ Petition are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
06.08.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Commissioner of Land Administration,
Chapauk, Chennai.
2. The District Collector,
Sivagangai District.
3. The Tahsildar,
Thirupathur Taluk, Sivagangai District.



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W.A.(MD)No.179 of 2022

S.M.SUBRAMANIAM, J.
AND
DR.A.D.MARIA CLETE, J.
Yuva

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