

W.A.(MD)No.543 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON :	29.04.2025
PRONOUNCED ON :	18.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A.(MD)No.543 of 2025

and C.M.P.(MD)No.4168 of 2025

- 1.The District Collector,
District Collectorate,
Madurai, Madurai District.
- 2.The Tahsildar,
Madurai North,
District Collectorate,
Madurai, Madurai District.
- 3.The Assistant Director,
Survey and Land Records,
Madurai, Madurai District.
- 4.The Sub Inspector of Survey,
Town Survey, Madurai North Taluk,
Madurai, Madurai District.

... Appellants

-Vs-

- 1.T.Cibi Chakraborty



W.A.(MD)No.543 of 2025

2. The Commissioner,
Madurai Corporation,
Madurai, Madurai District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in WP(MD).No.16548 of 2022 dated 22.02.2023.

For Appellants : Mr.R.Baskaran, Addl. Adv.General-V
Assisted by Mr.S.S.Madhavan
Addl. Govt. Pleader

For R-1 : Mr.Isaac Mohanlal, Senior Counsel
for Mr.K.Ragatheeshkumar

For R-2 : Mr.S.Vinayak, Standing Counsel

J U D G M E N T

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

Challenging the order passed by the learned Single Judge vide order dated 22.02.2023 in W.P.(MD)No.16548 of 2022, wherein a direction was issued to the second appellant herein to effect proper mutation in the revenue records and issue patta in favour of the first respondent/ petitioner therein, in respect of the subject plot, the aggrieved respondents have preferred the present writ appeal.

2. The factual matrix of the case is summarized below:-



W.A.(MD)No.543 of 2025

WEB COPY

(i) The subject land in question is located in a ryot village, in a common parlance it is called as “அயன் கிராமம்”. The settlement process was taken up and completed in the year 1875 and the re-settlement was taken up between the years 1915-1921 and the entire settlement process was completed with the handing over of the printed 'A' Register dated 25.08.1921 to the Revenue Department for maintenance. The land in question viz. land measuring an extent of 41.62 acres of land comprising in S.No.134/2 of Tallakulam village was classified only as 'Govt. poromboke' with the availability of 'Pudukulam tank' indicated in the remarks column. This tank was a part of erstwhile irrigation system viz. Periyar Vaigai system in Madurai District.

(ii) Owing to the advent of large-scale urbanization and the proximity of the tank to city habitation, coupled with the extensive conversion of agricultural lands into residential plots, the tank became non-functional as early as in the year 1950. In view of its strategic and prime location situated directly opposite to the Integrated Mattuthavani M.G.R. Bus Stand and other prominent city landmarks, an extent of 47.32 acres (equivalent to 19.16.0 hectares) of the tank land was alienated and allotted to various departments and private individuals. The Government of Tamil Nadu was pleased to grant such alienation to various

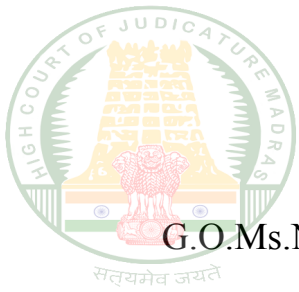


W.A.(MD)No.543 of 2025

Departments only after ensuring that the water is transferred evenly through the raised channel to reach is ultimate destination - the Vandiyur Tank, from where the surplus water, during the heavy rains, is let out into River Vaigai.

(iii) During such circumstances, a request was made by the Madurai Press Club Association, in the year 1997, seeking for allotment of house sites for its members. Acceding to the request made, the Government of Tamil Nadu, vide G.O.Ms.No.573, Revenue (LD-1(2)) Department, dated 18.06.1997, issued orders to sub divide only a portion of land in S.No.134/2 to an extent of 3.70 acres and change its classification from “Poramboke” to Natham poramboke” and provide house site assignments to 61 persons (each 4 cents) at the cost of Rs.25 per sq.ft under RSO 21 by imposing the usual condition that the construction must be made within a year and that the land should not be alienated or sold within a period of 10 years. Hence, vide Roc. J5/121150/96 dated 25.10.1997, the classification of the land, measuring an extent of 3.70 acres of land comprising in S.No.134/2A2 was changed as 'Natham' to facilitate to grant assignment and patta to the allottees.

(iv) The subject land in question was allotted to one T.A.Seenivasan under Plot No.65, thereby totally 70 pressmen were given assignment on payment of market value as per the orders of the Government of Tamil Nadu in



W.A.(MD)No.543 of 2025

G.O.Ms.No.573, Revenue (LD-1(2)) Department, dated 18.06.1997.

Subsequently, the said T.A.Seenivasan sold the subject land to one Muthukaruppan and he in turn sold the same to Kalaivani from whom the first respondent and his wife, namely Dr.P.Priyadharshini purchased the subject plot No.65, measuring an extent of 1706 sq.ft situated at Press Colony, Opposite to Dr.MGR Bus Stand (earlier called as Mattuthavani Bus Stand, Madurai) vide Document no.1517 of 2020 dated 01.06.2020. Subsequently, the first respondent's wife relinquished her share in the property in favour of her husband/ first respondent, by way of executing a Release Deed with respect of the subject property vide document no.5700 of 2021, dated 10.12.2021 and therefore, the first respondent became the sole owner of the property .

(v) Meanwhile, one R.Kanagasabai filed a writ petition before the Madurai Bench of this Court in W.P.(MD) No.5844 of 2008 by stating that most of the persons to whom pattas were granted, have sold their portion without obtaining permission as per the conditions imposed and hence, an enquiry has been taken up by the Tahsildar, Madurai North, who has reported that only 16 pressmen have constructed houses in the area allocated to them and 43 of them have not constructed houses and 11 pressmen have chosen to dispose of the



W.A.(MD)No.543 of 2025

portion assigned to them. Accordingly, the Tahsildar, Madurai North has stated that a detailed report has been sent to the Government for appropriate direction and on receiving the same, action shall be taken on the violation of assignment of conditions imposed at the time of granting assignment.

(vi) While the aforesaid developments were underway, one A.M.Vinodh filed an original application in O.A.No.125 of 2021 seeking to restore the water bodies and the Hon'ble Full Bench of the National Green Tribunal, New Delhi vide its order dated 23.08.2021 was pleased to allow the application and directed the State of Tamil Nadu to restore water body known as 'Pudukulam Kanmoi' in S.Nos.134/2 and 134/2A1 to its original position by removing the constructions, if any, raised thereon, within a period of one month.

(vii) Against the aforesaid order of the National Green Tribunal dated 23.08.2021, the State of Tamil Nadu filed a Civil Appeal in C.A No. 6126 of 2021 before the Hon'ble Supreme Court of India and the Hon'ble Court, vide order dated 12.11.2021 dismissed the appeal by observing that they do not see any good ground and reason to interfere with. Subsequently, the order of the National Green Tribunal, dated 23.08.2021 in O.A.No.125 of 2021 was challenged by one M.Swaminathan and 19 others in W.P.(MD) No.26139 of 2022, wherein the



W.A.(MD)No.543 of 2025

Division Bench of this Court, vide order dated 25.01.2023, by following the dictum laid in ***L.Chandrakumar vs. Union of India*** reported in (1997) 3 SCC 261, quashed the order of the National Green Tribunal, by holding that the petitioners were not parties before the Tribunal.

(viii) Thereafter, the first respondent herein filed a writ petition in W.P. (MD) No.16548 of 2022 directing the 2nd petitioner herein/ the Tahsildar to issue patta in respect of his land in Plot No. 65, Press Colony, Opposite to Dr. MGR Bus Stand covered in T.S. No.88 (Old S.No. 134/2A2) and this Court by its order dated 22.02.2023 allowed the writ petition by inter-alia ordering as:

“5. If the petitioner has approached this Court claiming relief only on the strength of sale deed or mere possession, this court would definitely non suited him. But the fact remains that the plot was originally allotted in favour of a journalist. The allotment was made after passing a Government Order. The plot has changed hands. The petitioner is the third purchaser. Patta was originally issued to T.A. Seeniasan. In these circumstances, the respondents cannot decline the request of the Petitioner. I therefore direct the third respondent to effect proper mutation in the revenue records and issue patta in favour of the petitioner in respect of the petition mentioned plot. This exercise shall be done within



WEB COPY



W.A.(MD)No.543 of 2025

a period of four weeks from the date of receipt of a copy of this order."

Aggrieved against the aforesaid order passed by this Court, the respondents therein have preferred the present appeal before this Court.

3. In support of this writ appeal, Mr.R.Baskaran, learned Additional Advocate General-V, assisted by Mr.S.S.Madhavan, learned Additional Government Pleader expounded the following arguments:-

3.1. The usual conditions which were imposed, while granting assignment to the allottees is that, construction must be made within a year in the allotted plots and that the land should not be alienated or sold within a period of 10 years by the allottees. This vital fact was not abided by the original allottee Thiru T.A.Seenivasan. Since the original allottee did not take any steps either to construct any house within a period of one year nor refrained from conveying the property to another person within a period of 10 years, Thiru T.A.Seenivasan has absolutely violated the conditions of assignment. Thus, according to the learned Senior Counsel, the land is liable for resumption and that already action has been initiated to resume such lands for violation of assignment conditions in terms of G.O. Ms. No. 2555 Revenue Department dated 14.05.1973.



W.A.(MD)No.543 of 2025

WEB COPY 3.2. According to the learned Senior Counsel, the Writ Court has not adverted to the submissions made by the 3rd appellant in the counter affidavit, wherein it has been clearly stated that one R. Kanagasabai has filed a writ petition before this Court in W.P.(MD) No.5844 of 2008 by stating that most of the persons, to whom pattas were granted, have sold their portion, without obtaining permission which is one of the prime condition imposed and hence an enquiry has been taken up by the Tahsildar, Madurai North, who has reported that only 16 Pressmen have constructed houses in the area allocated to them; on the other hand, 43 of them have not constructed houses and 11 pressmen have chosen to dispose of the portion assigned to them. Hence, a detailed report has been sent to the Government for appropriate direction and on receiving the same from the Government, action shall be taken for the violation of assignment conditions imposed at the time of granting assignment to the allottees.

3.3. Moreover, the Writ Court failed to look into the petition filed by one A.M. Vinodh in O.A.No.125/2021 who filed a petition to restore the water bodies and the National Green Tribunal vide its order dated 23.08.2021 has allowed the application and directed the State of Tamil Nadu to restore the water



W.A.(MD)No.543 of 2025

body known as 'Pudukulam kanmoi' in S.Nos. 134/2 and 134/2A1 to its original position by removing the constructions, if any raised thereon, within one month.

Against the said order, the State of Tamil Nadu preferred a Civil Appeal in CA No. 6126 of 2021 before the Hon'ble Supreme Court of India, which subsequently came to be dismissed by the Hon'ble Apex Court of India vide its order dated 12.11.2021.

3.4. The grievance of the learned Senior Counsel is that the laws relating to water bodies are already well-settled by the Hon'ble Supreme Court as well as by this Court in (i) ***HinchLal Tiwari v Kamala Devi*** as reported in **(1981) 2 SCC 496**, wherein it has been held that water bodies need to be kept intact; (ii) In W.P. No.20186 of 2000 dated 27.6.2005 in ***L. Krishnan v State of Tamil Nadu*** as reported in **AIR 2005 MAD 311**; (iii) The Sivakasi Tax Payers Case' reported in **(2008) 5 MLJ 1425**; iv) In ***T.S. Senthilkumar v State of Tamilnadu*** passed by the Division Bench of this Court in W.P. No.20021 of 2008 dated 10.02.2010 iv) The judgment of the Hon'ble Supreme Court made in SLP No.3109 of 2011 in C.A. 1132 of 2011; v) In the case of ***T.K. Shanmugam v State*** in W.P.No.1295 of 2009 dated 27.11.2015 reported in **2015 (2) CWC 849**.



W.A.(MD)No.543 of 2025

3.5. The learned Senior Counsel further drew reference to a similar case in W.P.(MD) No.1165 of 2023, in which the Division Bench of this Court has observed in its order dated 31.07.2023 that the documents produced before this Court refers to the classification of the land as 'kanmoi' and hence, no patta could be granted in favour of Lakshmana Pillai by any of the revenue officials. In view of the same, the Writ Court ought not to have considered the plea of the first respondent. Hence, the learned Senior Counsel prayed for setting aside the order of the writ Court, thereby allowing the appeal filed by the appellant.

4. Conversely, Mr.Isaac Mohanlal, learned Senior Counsel for Mr.K.Ragatheeskumar, learned counsel for the first respondent made the following submissions:-

4.1. The learned Senior Counsel submitted that in the year 1997, the Madurai Reporter's Guild (Press Association, registered under the TN Societies Registration Act bearing No.198/95) had represented to the State Government to allot house sites to their members. Considering their claim, the State Government decided to allot a land in Survey No.134/2 measuring an extent of 3 Acres and 70 cents (out of 47.32 Acres) in Tallakulam Village, Madurai North Taluk, Madurai which is located opposite to then Mattuthavani Bus stand (now Dr.MGR Bus



W.A.(MD)No.543 of 2025

Stand), which was originally classified in the Revenue record as 'Pudhukulam Kanmoi'. Considering the ground reality, the Government decided to change the classification as 'Natham Poramboke' and to allot the above extent of land to the Press Association in the year 1997.

4.2. The subject land in question was allotted to one T.A.Seenivasan as per the orders of the Government of Tamil Nadu in G.O.Ms.No.573, Revenue (LD-1(2)) Department, dated 18.06.1997. The learned Senior Counsel drew the attention of this Court to G.O.(Ms) No.329 (Revenue & Disaster Management Department LD1(2)) dated 02.07.2020, in which it has been stated about the classification of 'Pudukulam Kanmoi' as 'Natham' for House Site Assignment in favour of 25 members of Madras Press Club. Therefore, the same is not connected with the land allotted in G.O(Ms) No.573 Revenue (Na.Mul(2)) Department dated 18.06.1997. The direction passed by the National Green Tribunal, New Delhi can be construed only with respect to the G.O. passed in the year 2020. Since after allotment at the first instance in the year 1997, the entire extent in Survey No. 134/2A2 has been developed into house sites and all the allottees have constructed their dwelling house. He also stated that only few plots in the layout are vacant.



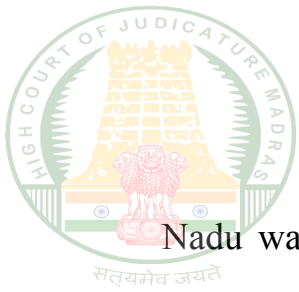
W.A.(MD)No.543 of 2025

4.3. In G.O.(Ms) No.329 (Revenue & Disaster Management Department

LD1(2)) dated 02.07.2020 it has been observed that the subject land is surrounded by Regional Transport Office, Telecom Department, Audit Department State Transport Corporation, Tamil Nadu Water Supply and Reporters Nagar, Forest Department, High Court Officer's quarters, Law College Hostel, Christian burial Ground, Muslim Burial Ground and Hindu Burial Ground, etc.. Therefore, no water is now flowing in the Kanmoi and there is no possibility of flow of water since the land is already developed by buildings. The Advocate General of Tamil Nadu in his letter OPN No.32/AGVN/2019, dated 07.03.2019 has opined as follows:-

“I am of the opinion that in view of the large scale development that has taken place by the Government, Corporations and Boards, there cannot be any legal impediment for the Government to assign the land after reclassification of the land from Kanmoi to Natham land and allot it to the Members of the Madurai Press Club in Thallakulam Village, Madurai North Taluk, Madurai District”

Therefore, according to the learned Senior Counsel for the first respondent, the order passed by the Principal Bench of National Green Tribunal, New Delhi is in no way an impediment for considering the request of the first respondent in issuance of patta in his favour. Moreover, the Government of Tamil



W.A.(MD)No.543 of 2025

Nadu was pleased to grant such alienation with regard to allotment of plots to various departments, only after ensuring that the water is transferred evenly through the raised channel to reach its ultimate destination.

4.4. According to the learned Senior Counsel, the issue is also no longer *res integra* as it has been decided by the Division Bench of this Court in W.P.(MD) Nos.13259, 15335 of 2021 dated 23.06.2022, wherein it has been categorically held that the National Green Tribunal, New Delhi did not consider the subsequent developments that took place in the allotted area. Further, this Court vide order dated 18.03.2021, has identified only three places in the entire Survey No. 134/2 (in the total extent of 47.32 Acres) as Water Body (other extent of lands have been re-classified as 'Natham Porambake' by assigning different Survey Nos and they have been put to use by various public offices and constructions and has directed the official respondents therein to develop them with the creation of the baby channel to facilitate uninterrupted supply of water to the three water bodies and complete the project within a period of four months from the date of receipt of the copy of the order.

4.5. Adding further, the learned Senior Counsel further submitted that



W.A.(MD)No.543 of 2025

the Government Order of the year 1997 is still holding good and the entire area has been developed as residential zone and the question of denying the mutation of revenue record is unsustainable in law. Only after following the due process of law, the classification of the land was changed and the said land was originally allotted to TNSTC and Kadhi Board as early as on 1982. However, it was not utilized by them and the hence, the State Government allotted the said land to the Madurai press Association as early as on 1997 ie., 26 years back to allot house site plots to their members. Now as many as 70 plots have been developed and residential houses have been constructed and the Madurai Corporation has provided Thar Roads, Under Ground Sewage System etc. Therefore, refusing to change the record in respect of the respondent's plot alone is arbitrary, illegal and unreasonable and the Writ Court, after proper appreciation of subsequent developments has passed the order, which does not seek the interference of this Court.

4.6. The learned Senior Counsel concluded his arguments by stating that the subject property was purchased by the first respondent using the hard earned retirement money of his father R.Thangapandian (Professor at Law (Rtd), Madurai Law College) and with the little savings the first respondent made from his

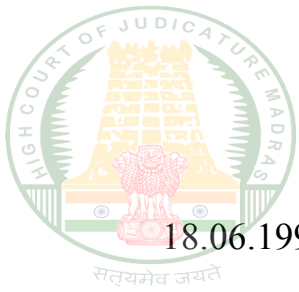


W.A.(MD)No.543 of 2025

profession from the year 2010 with a fond hope of putting Law Office cum Residence. He further stated that building plan and other relevant documents and particulars are made ready, except the Patta. Without the Patta, the first respondent would not be able to submit his application for Building Plan Approval to the 2nd appellant for construction of Law Office cum Residence. As such, any delay of issuance of Patta by the 3rd appellant would seriously prejudice the first respondent. Hence, the learned Senior Counsel submitted that the appeal filed by the appellants deserves to be dismissed and the order of the Writ Court shall be confirmed and accordingly, prayed for the dismissal of the appeal.

5. Heard the learned Senior counsel appearing for the appellants and the respondents and perused the materials placed before this Court.

6. Admittedly, the lands in question, originally classified as 'Kanmoi' lands, were subsequently reclassified as 'Natham Poramboke' by the revenue authorities, taking into account their long-standing non-use for irrigation purposes. Thereafter, the said lands were duly allotted to 70 pressmen, who were given assignment on payment of market value as per the orders of the Government of Tamil Nadu in G.O.Ms.No.573, Revenue (LD-1(2)) Department, dated



W.A.(MD)No.543 of 2025

18.06.1997. Therefore, the Government only after ensuring that the water is transferred evenly through the raised channel to reach its ultimate destination, i.e. the Vandiyur Tank, from where the surplus water, during the heavy rains, is let out into River Vaigai, has agreed for the assignment of the subject lands to the Pressmen.

7. Several public sector offices and government establishments have been constructed and are presently functioning in Survey No. 134/2. These include the Regional Transport Office, Madurai (North), the Telecom Department (Government of India), TNSSTC Bus Depot and Workshop, TWAD Board, Tamil Nadu Forest Department, Accountant General's Office, High Court Staff Quarters, Madurai Law College Hostel, Intelligence Bureau Office, a Pumping Station, and the Office of the Hon'ble MLA, Samayanallur, among others. All these offices and facilities continue to operate as on date. When that being the case, denial of patta to the first respondent alone, despite the fact that similarly situated individuals in and around the same survey number have been granted patta, amounts to arbitrary and discriminatory treatment. Numerous public sector institutions and government offices have been allowed to function within Survey No. 134/2, and pattas have been issued in their favour. In such circumstances, singling out the first



W.A.(MD)No.543 of 2025

respondent for denial of patta, without any valid or justifiable reason, is violative of the principles of natural justice and the right to equality guaranteed under Article 14 of the Constitution of India.

8. In the light of the above, this Court does not find any infirmity in the order passed in W.P.(MD).No.16548 of 2022 dated 22.02.2023 and confirms the same. Accordingly, the Writ Appeal fails and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
18.07.2025

NCC : Yes / No
Index : Yes / No

sts

To:

The Commissioner,
Madurai Corporation,
Madurai, Madurai District.



WEB COPY



W.A.(MD)No.543 of 2025

J.NISHA BANU, J.

AND

S.SRIMATHY, J.

sts

Pre-Delivery Judgment made in
W.A.(MD)No.543 of 2025

18.07.2025