



W.P.(MD) No.15994 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.15994 of 2025

N.Sethu,
Represented by His Power Agent,
S.Manimurugan.

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Petitioner

Vs

- 1 The Secretary,
Department of Land and Revenue Administration,
Fort St George,
Chennai.
- 2 The Commissioner,
O/o. The Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai.
- 3 The District Collector,
Theni District,
Theni.
- 4 The District Revenue Officer,
Theni District,
Theni.
- 5 The Revenue Divisional Officer,
Uthamapalayam Revenue Division,
Uthamapalayam,
Theni District.



W.P.(MD) No.15994 of 2025

WEB COPY

6 The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records pertaining to the impugned order in Na.Ka.No.Aa1/15057/2013, dated 05.09.2023, passed by the 4th respondent, and quash the same as illegal.

For Petitioner : Mr.Safar Badusha

For Respondents : Mrs.K.Malathi,
Addl. Govt. Pleader.

ORDER

This Writ Petition is filed, challenging the order passed the District Revenue Officer, negating the request of the petitioner for issuance of patta in respect of the property situated in Survey No.675/1, mainly on the ground that the subject property is classified as water body in the revenue records.

2. A Division Bench of this Court, vide order, dated 07.03.2024, made in W.P.(MD) No.31214 and 31221 of 2023, issued the following directions :



W.P.(MD) No.15994 of 2025

WEB COPY

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(B) The existing encroachments in all the water bodies shall be identified and removed after issuing notice to the encroachers. If constructions have been made, they shall be demolished. Further encroachments shall not be permitted. Nor they shall be regularised.

(C) Pattas issued in respect of water bodies after 01.01.2000 shall be cancelled and the water bodies shall be restored to their original position."

3. In view of the directions issued by the Division Bench in the above mentioned case, the respondents cannot be directed to consider the request of the petitioner to issue patta in respect of the property, which is classified as water body in the revenue records.

4. The impugned order has been passed by the fourth respondent, rightly taking into consideration the classification of the subject property in the revenue records and negating the request of the petitioner for issuance of patta. I do not find any error in the impugned order passed by the fourth respondent. Hence, this Writ Petition is liable to be dismissed.

5. Learned counsel for the petitioner vehemently contended that the petitioner may be permitted to occupy the said property till his lifetime.



W.P.(MD) No.15994 of 2025

WEB COPY

6. Permitting the petitioner to occupy the said property, which is classified as water body, during his lifetime will go against the order passed by the Division Bench in the above mentioned case. Therefore, I am not inclined to accept the contention raised by the learned counsel for the petitioner.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected W.M.P.(MD) No.12095 of 2025 is closed.

13.06.2025

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

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To:

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W.P.(MD) No.15994 of 2025

WEB COPY

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W.P.(MD) No.15994 of 2025

S.SOUNTHAR, J.

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W.P.(MD) No.15994 of 2025

13.06.2025