



W.P (MD).No.20681 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.20681 of 2022

and

W.M.P(MD)No.14994 of 2022

M.Rajamaniammal

.... Petitioner

Vs

1.The Secretary to the Government,
Government of Tamilnadu,
Fort St. George,
Chennai.

2.The Secretary,
Agriculture Engineering Department,
Fort St. George,
Chennai.

3.The Assistant Executive Engineer,
Agriculture Engineering Department,
Dindigul,
Dindigul District.

4.The District Collector,
Theni District,
Theni.

5.The District Registrar,
Periakulam.

6.M.Ayyappan

7.M.Sadayandi



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8.M.Saravanan
9.K.K.Jayaraman
10.R.Nithya
11.A.Tamilselvi

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 to reconvey the land comprised in survey number 253/4 situated in Koduvilarpatti Village, Theni Taluk, Theni District which has an extent of 0.70 cents donated by the petitioner in favour of the Government of Tamilnadu vide Document No.1362 of 1988 dated 25.03.1988 for creating a percolation pond (Kasivu Neer Kuttai) to increase the underground water table so as to ease the drinking water supply to the people and also to provide water to the cattels which was not utilized by the Government for the past 14 years.

For Petitioner : Mr.V.Chandrasekar

For R1 & R3 to R5 : Mr.D.Gandhi Raj

Special Government Pleader

For R2 : Mr.M.Saravanakumar

For R7, R8 & R11 : Mr.K.Periyakaruppan

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 4 to reconvey the land comprised in survey number 253/4 situated in Koduvilarpatti Village, Theni Taluk, Theni District to an extent of 0.70 cents which was originally donated by the petitioner in favour of the



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Government of Tamilnadu vide Document No.1362 of 1988 dated 25.03.1988

for creating a percolation pond (Kasivu Neer Kuttai) to increase the underground water table.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner owned the property comprised in S.No.253/4 to an extent of 0.70 cents situated in Koduvilarpatti Village, Theni Taluk, Theni District. Subsequently it was gifted in favour of the Government of Tamil Nadu vide document No.1362 of 1988, dated 25.03.1988 for creating a percolation pond (Kasivu Neer Kuttai) to increase the underground water level. However, the Government has not used the said land and some of the persons namely the respondents 6 to 11 encroached the some part of the land and they are in possession and enjoyment of the same. Therefore, the petitioner submitted a representation to reconvey the said land in favour of the petitioner.

4. On perusal of the written instruction and also the submission made by the learned Special Government pleader appearing for the respondents 1,3 to 5 revealed that after receipt of the land, even in the year 1988-89 the entire project of Percolation was completed and it is under the use of general public.



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That apart, in the said land there is a construction made by the Government and as such, it cannot be reconveyed to the petitioner at any cost.

5. In view of the above, the request made by the petitioner cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed. Accordingly the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

27.01.2025

To

- 1.The Secretary to the Government,
Government of Tamilnadu,
Fort St. George, Chennai.
- 2.The Secretary,
Agriculture Engineering Department,
Fort St. George, Chennai.
- 3.The Assistant Executive Engineer,
Agriculture Engineering Department,
Dindigul, Dindigul District.
- 4.The District Collector,
Theni District, Theni.
- 5.The District Registrar,
Periakulam.



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G.K.ILANTHIRAIYAN, J.

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