



W.P.(MD)No.22345 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22345 of 2025
and
W.M.P.(MD)No.17444 of 2025

Karuppiah

... Petitioner

Vs.

- 1.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.
- 3.The District Collector / Monitoring Committee,
Pudukkottai District,
Pudukkottai.
- 4.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 5.The Assistant Engineer,
Water Resource Department,



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Grand Anaicut Canal Division,
Nagudi,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 5th respondent not to evict the petitioner from the property in S.F.No.8 of Pattamudayan Village, Avudaiyarkovil Taluk, Pudukkottai District till the final order passed in the enquiry proceedings issued by the 4th respondent in Na.Ka.E1/2933731/2025 dated 23.07.2025 and consequently direct the respondents 1 to 4 to issue Ntham Patta to the petitioner for the property in S.F. No.8 of Pattamudayan Village Avudaiyarkovil Taluk, Pudukkottai District Within a time stipulated by this court.

For Petitioner :Mr.V.Anbarasan

For Respondents :Mr.A.Kannan
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner wants this Court to restrain the fifth respondent from evicting him till the proceedings for reclassification and issuance of patta are concluded.



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3. The case has a very chequered history. It is seen that the petitioner is in occupation of few cents of land in S.F.No.8 in Pattamudayan Village. As per the revenue records, this survey number has been classified as water body. Pattamudayan lake measures an extent of 44.42.0 hac. One Singara Velan filed W.P.(MD)No.9782 of 2020 for removing the encroachments in the said survey number. The writ petition was disposed of on 24.08.2020 in the following terms:-

“10. This Court, taking into consideration the above facts and circumstances, permits the petitioner to submit a detailed representation along with the photographs as well as the relevant documents to the seventh respondent, within a period of three weeks from the date of receipt of a copy of this order and upon receipt of the same, the seventh respondent, with the assistance of the third respondent, shall cause inspection of the water body located in Pattamodaiyan village in S.F.No.8 and if it is found that there are encroachments on the water body, shall take immediate and appropriate action in accordance with law and also by adhering to the principles of natural justice and shall complete the entire exercise within a period of ten weeks from the date of representation submitted by the petitioner and also inform the decision taken to the petitioner as well as to the encroachers/concerned persons.”

Since this direction was not complied with, he filed Contempt Petition No.268 of 2021. In the meanwhile, W.P.(MD)No.24115 to 24120 of 2020 was filed seeking patta. Since patta cannot be issued in respect of any water body, the



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writ petition was dismissed on 05.10.2023. Thereafter, survey was conducted and Form-I notice was issued. Challenging the same, W.P.(MD)No.390 of 2024 has been filed. Initially, interim stay was granted. But the writ petition suffered dismissal on 29.12.2022. In this background, the present writ petition has been filed.

4. The petitioner admittedly is not having patta. It is obvious that the petitioner is in occupation of a portion of the water body. The learned counsel for the petitioner would however contend that the character on ground has completely been altered. There is no water body in existence. A road has been put up. Some Government buildings have also come up. In these circumstances, the petitioners have applied to the authorities concerned to reclassify the land as Government poramboke and issue them patta. In fact, the petitioner had earlier filed W.P.(MD)No.8558 of 2025 and a learned Judge of this Court vide order dated 28.03.2025 had given the following directions:-

“4. However, the learned Additional Government Pleader appearing for the respondents would submit that in view of the classification of the subject property as a water body, alternative site has already been offered to the petitioner and the petitioner has not accepted it. However, the said statement of the learned Additional Government Pleader is refuted by the learned counsel for



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the petitioner stating that the offer was only on paper and the lands which were supposed to be given as alternative accommodation are actually encroached lands and they have not even been shown to the petitioner to be fit for residence. In any event, considering that the petitioner has already made a representation for reclassification of the subject lands as residential from Kanmai, specifically contending that the water body is far away from the premises, a direction is issued to the District Revenue Officer, Pudukkottai to carry out a field inspection, conduct an enquiry and forward a report to the second respondent, who shall take a final decision, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such report, the second respondent shall take a final decision, within a period of twelve weeks thereafter.”

5. It appears that the learned Judge was not fully appraised of all the relevant facts. Be that as it may, it would not be open either to the Government or to the Commissioner of Land Administration or any other revenue authority to issue patta in respect of a land that was originally classified as water body in the “A” register. We have issued a continuing mandamus vide order dated 07.03.2024 in *W.P.(MD)No.31214 of 2023 (R.Manibharathi Vs. Union of India)*.



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6. In these circumstances, we do not find any merit in this writ petition. If the writ petitioner files an affidavit before the fifth respondent undertaking to vacate the petition mentioned premises within six months, breathing time to vacate can very well be given. If no such affidavit is filed, the the eviction order shall be enforced. We place on record the submission of the learned Additional Government Pleader that alternative site was already offered to the petitioner herein. It is open to the petitioner herein to avail the same.

7. The writ petition is dismissed with the aforesaid direction. No costs.

[G.R.S., J.] [B.P., J.]
14.08.2025

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

1. The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai-600 009.

2. The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.

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3.The District Collector / Monitoring Committee,
Pudukkottai District,
Pudukkottai.

4.The District Revenue Officer,
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