



W.P(MD)No.23204 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2025

CORAM

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

W.P(MD)No.23204 of 2024

C.Muthusamy

... Petitioner

Vs.

1.The District Collector /
Monitoring Committee,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

3.The Block Divisional Officer,
Block Divisional Office,
Sedapatti Union,
Sedapatti,
Peraiyur Taluk,
Madurai District.

4.The President of Village Panchayat
Tirumanickam Village,
Peraiyur Taluk,
Madurai District.



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5.N.Ilayaraja
6.N.Subramani
7.N.Rajangam
8.N.Dharmar
9.N.Diraviyam
10.N.Thangam
11.R.Ragunth
12.R.Saravanakumar

13.The Assistant Director (PWD),
Office of the Public Works Department,
Usilampatti,
Madurai District.

***(R.13 is impleaded vide order of
this Court dated 27.02.2025 in
W.M.P(MD)No.21063 of 2024)***

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondent 5 to 12 in Government Poramboke land situated at in S.Nos.105, 106 and partly in 107/3 based on the communication filed by the Tahsildar dated 21.12.2021 within the specified period prescribed by this Court.

For Petitioner : Mr.M.Gnana Guru Nathan

For Respondents : Ms.Ahamed Yasmin Parvin
Government Advocate
for R.1 to R.4

Mr.R.Gowri Shankar
for R.5 to R.12



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ORDER

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Heard both sides.

2.It is not in dispute that Survey Nos.105, 106 and 107/3 are water bodies. Encroachment in a water body cannot be permitted. It appears that the private respondents herein have converted the same for cultivation purpose. The second respondent has already issued notice under Section 6 of the Land Encroachment Act, 1905.

3.The private respondents give an undertaking before us through their counsel that after the current harvest is over, they will peacefully vacate the land in question. They give a further undertaking that they will not commit encroachment once again. If these undertakings are breached by the private respondents herein, that would constitute contempt of Court and consequence would follow. In any event, the second respondent is directed to enforce this undertaking.

4.The learned counsel appearing for the private respondents points out that for few other survey numbers which were originally water bodies, patta had been illegally granted in favour of the writ petitioner herein. He draws our

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attention to the patta granted in favour of the petitioner in respect of Survey No.

WEB 90/2A2.

It reads that the said land has been classified as “water catchment area”. Patta has been issued in the year 2019 for one Subramanian in respect of Survey No.90/2A1C. Patta was issued on 22.07.2022.

5.We direct the Revenue Divisional Officer, Usilampatti to look into the issue. The fifth respondent herein undertakes to submit a formal representation in this regard before the Revenue Divisional Officer, Usilampatti setting out all the relevant particulars. A formal enquiry shall be conducted. If Revenue Divisional Officer, Usilampatti is satisfied that patta had been illegally issued in respect of a water body, he shall cancel the same. This exercise shall be completed by the Revenue Divisional Officer, Usilampatti within a period of four months from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. There shall be no order as to costs.

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

27.02.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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