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W.P.(MD)NO.16156 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.16156 of 2021

and

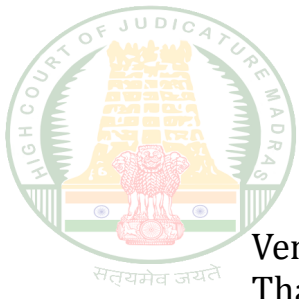
W.M.P.(MD)Nos.13022 & 13025 of 2021

R.Gajendran

... Petitioner

Vs.

1. The District Collector,
O/o.the District Collector,
Thanjavur District.
2. The District Revenue Officer,
O/o.the District Revenue Officer,
Thanjavur District.
3. The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Thanjavur District.
4. The Tahsildar,
Boothalur Taluk Office,
Thanjavur District.
5. The Block Development Officer,
Thiruvaiyaru Panchayat Union,
Thanjavur District.
6. The Executive Engineer,
Public Works Department(Water Resource Department),



Vennar Basin Division,
Thanjavur District.

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7. The Inspector of Police,
Thirukkattupalli police station,
Thanjavur District.

8. R.Anbalagan

9. Amsavalli

10.Rajakumari

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent in his proceedings in Na.Ka.A2/31235/2016 dated 04.06.2021 and quash the same as illegal and unconstitutional and consequently directing the respondents 1 to 7 to remove the encroachments made by the respondents 8 to 10 in respect of the properties comprised in survey No.174A/1 having an extent of 82.10 acres and restore the Bootharayanallur Village Kanmoi, Boothalur Taluk, Thanjavur District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.M.P.Senthil,
Government Advocate for R-1 to R-7.

Mr.A.Sivasubramanian for R-8 to R-10.

* * *

**ORDER**

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Heard both sides.

2. According to the learned counsel for the private respondents, the writ petitioner has passed away. The petitioner's counsel is not able to confirm the said assertion.

3. The writ petitioner herein alleged that the private respondents have encroached upon a water body which measures an extent of 82.10 acres. The petitioner had earlier filed writ petition and wanted the District Collector, Thanjavur to conduct enquiry and pass order. Pursuant to the direction given by this Court, the District Collector, Thanjavur conducted enquiry. Vide Order dated 04.06.2021, the petitioner's request was rejected.

4. We went through the contents of the impugned proceedings. It is seen therefrom that in survey No.174A/1 a water body measuring an extent of 82.10 acres was originally there. However, way back in the year 1931, some 50 acres of land in the said survey number had been assigned in favour of one Aruldas on the ground that he was a distinguished soldier. The said Aruldas subsequently made several alienations. The eighth respondent is one such alienee.



All these facts have been captured in detail in the impugned order passed by the District Collector. The order runs to more than 30 pages.

5. Vide order dated **07.03.2024 in WP(MD)No.31214 and 31221 of 2023 (R. Manibharathi V. Union of India)** we had held that if patta had been issued prior to 01.01.2000 in respect of a water body, it cannot be interfered with. In this case, patta had been issued way back in 1931 during British times. We cannot put the clock back. The District Collector has further recorded that the water body measuring an extent of 32.10 acres is still in existence.

6. We direct the District Collector, Thanjavur to ensure that this water body is maintained as such and that it does not suffer from any further shrinkage. This writ petition is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
2nd June 2026

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

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5. The Block Development Officer,
Thiruvaiyaru Panchayat Union,
Thanjavur District.
6. The Executive Engineer,
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7. The Inspector of Police,
Thirukkattupalli police station,
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