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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-03-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WA Nos.203 and 205 of 2023

And

CMP Nos.405 and 2065 of 2023

S.Anbananthan

.. Appellant in both Was

-VS-

The District Collector,
Perambalur District,
Perambalur-621 212.

.. R-1 in both WAs

The Revenue Divisional Officer,
Perambalur Division,
Perambalur-621 212.

.. R-2 in both WAs

The Tahsildar,
Perambalur Taluk,
Perambalur-621 212.

.. R-3 in both Was

The Assistant Executive Officer,
(Building Construction and Maintenance),
Perambalur Taluk Office Compound,
Perambalur, Perambalur District-621 212.

.. R-4 in WA 205/2023

WA No.203 of 2023 is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.5723 of 2020 dated



04.08.2022.

WA No.205 of 2023 is preferred under Clause 15 of Letters Patent Act, against the order passed by this Court in WP No.17812 of 2022 dated 04.08.2022.

For Appellant in both WAs : Mr.Balan Haridas

For Respondents in both WAs : Mr.A.Selvendran,
Special Government Pleader.

COMMON JUDGMENT

[COMMON JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

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WA Nos.203 and 205 of 2





1) FACTS IN BRIEF:

The writ petitioner is the appellant before us.

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2. Mr.Balan Haridas, learned counsel appearing on behalf of the appellant would submit that the subject land in S.No.506/2024 Door No.11, Pillaiyar Koil Street, Kurumbalur Village, Perambalur Taluk, is classified as 'Grama Natham' and the appellant is in possession of five cents of 'Grama Natham' lands. The petitioner is residing there for about 40 years.

3. The petitioner has submitted an application for issuance of patta, which was rejected by the District Collector, on the ground that the said 'Grama Natham' land was reclassified as 'Sarkar Land' (vacant land). Challenging the said reclassification, the writ petition has been filed.

4. The Writ Court considered the judgments relied on by the appellant and formed an opinion that the Government has reclassified 'Grama Natham' land as 'Government Land'. The Writ Court held that reclassification, cannot be interfered with. However, possession of the appellant in the 'Grama Natham' land was upheld.



5. Mr.Balan Haridas, learned counsel for the appellant, would rely on certain judgments, to show that the 'Grama Natham' lands do not vest with the Government. Therefore, occupants of 'Grama Natham' land hold right over the property.

6. Since these lands are not assessed, they are kept vacant and subsequently classified as 'Grama Natham' for the purpose of housesite to poor homeless people. Assignment of such 'Grama Natham' lands to needy poor people are to be made by following the procedures contemplated under the Revenue Standing Order No.21 [RSO No.21]. The procedures are contemplated under RSO No.21, would elaborately provide the eligibility and the extent of land, which can be alienated as house sites to the poor needy people.

7. When 'Grama Natham' lands are regulated under RSO No.21, an individual, who is in occupation, cannot claim as if he is the owner of the land. The Government is empowered to regulate all 'Grama Natham' lands across the State by following the procedures as contemplated under RSO



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8. There are conflicting decisions that “Grama Natham Lands” do not vest with the Government. Larger extent of lands across the State of Tamil Nadu are grabbed by private individuals and by greedy men under the pretext that they are 'Grama Natham' lands. There are many orders passed by the learned Single Judge granting patta in favour of the occupants of 'Grama Natham' lands on the ground that 'Grama Natham' lands do not vest with the Government. There are Division Bench judgments, wherein no adjudication in entirety had been made regarding the origin and history of 'Grama Natham' lands and right of the Government to regulate 'Grama Natham' lands. Those Division Bench judgments are distinguishable and cannot be applied in all cases, merely by stating that 'Grama Natham' lands do not vest with the Government. The land grabbers found a safe passage for grabbing the public lands under the guise of 'Grama Natham' land. If the anomalous situation allowed to continue, then the Government may not get lands for public purposes in future. On account of skyrocketing of market value of lands, people are tempted to grab lands one way or the other, even by creating fraudulent documents and by tampering revenue records. The



Government Officials are also colluding and tampering the revenue records through corrupt activities. Courts are witnessing such cases frequently and the Government is yet to take complete remedial measures to protect the 'Grama Natham' lands and regulate such lands either by house sites or use it for public purposes in accordance with law and the revenue standing orders.

9. In view of the ambiguities in dealing with “Grama Natham” lands in the State of Tamil Nadu and considering the fact that there are conflicting judgments on 'Grama Natham' lands, this Bench has taken an attempt to deal with the origin and history so as to eradicate the confusion in dealing with 'Grama Natham' lands. The valuable assistance to collect the history of 'Grama Natham' lands provided by Mr.S.Nagarajan, I.A.S., former Commissioner of Land Administration, stands appreciated.

2) HARMONIOUS INTERPRETATION OF “GRAMA NATHAM”:

A. PREAMBLE:

10. Tamil Nadu is home to one of the oldest civilizations in the sub-continent. Since time immemorial, people have lived in settlements constructing residential houses of different types. A typical Tamil village



may be considered to have one or more habitations surrounded by cultivated agricultural lands. Though civilization of such a format dates back to antiquity, modern land revenue administration has evolved only since British times, over two centuries ago. Modern land administration is also interconnected with the question of Title to the land whose jurisprudence also dates back to colonial times.

11. Among the various types of land as classified by the nature of the land tenure system being followed, Grama Natham is a special type of land. Differing judicial pronouncements, executive decisions and common-sensical interpretations, often contradictory to each other have led to considerable differences in understanding of the character of the land. There is a need to comprehensively explicate the meaning and nature of Grama Natham and harmoniously interpret the various pronouncements and provisions hitherto existing.

B. DEFINITION:

12. The phrase “Grama Natham” means the ground set apart, on which the houses of a village may be built,, as per Glossary of Judicial and Revenue Terms in British India, 1855.



13. According to the book **“Land Tenures in the Madras Presidency”** by Mr.S.Sundararaja Iyengar, Advocate, High Court, Madras, (1933) “...Every Tamil village is divided into (i) Warapat; (ii) Tirwapat; (iii) Tarisu and (iv) Poramboke.” The term “Poramboke” is explained as being meant from three perspectives, that is cultivation, communal purpose and revenue. They are various kinds classified according to the purpose for which they have been set apart. In common parlance, any land that does not yield revenue is known as Poramboke. Thus, it can be seen that the word “Poramboke” has twin connotations. Firstly, it would mean the lands which are used for public or communal purposes, but at the same time, it would include the land which does not yield any revenue to the Government. In this context, the Natham or Gramanatham lands are to be understood.

14. The excerpts from Chapter – II relating to Grama Natham which are relevant to the issue on hand reads as follows:-

“Natham or Grama Natham is a site on which village habitations are situated, and is held free of assessment. It is included in Poramboke and is known as Natham Poramboke.



It is on this side that the villagers must build their houses. This does not mean that they are absolutely prevented from building their houses elsewhere, but only they will have to pass the assessment fixed on the land on which they build houses and cannot claim to hold it free of assessment. In Natham are included Pilakadai or backyard of houses, a small portion of ground immediately adjoining the dwellings of the villagers and kollai or homestead. Both are free of assessment...

The freehold in the soil of Gramanatham in a Ryotwari village is in Government. Its right therein consists in regulating the distribution of unoccupied natham among the intending applications for house sites and to ensure its utilisation for such purpose. The owners of houses and house sites in natham as well as grantees of unoccupied natham who have satisfied the condition of the grant by building houses are at liberty to dispose of them in any manner they choose. The classification of land as natham poramboke or Government Poramboke by the revenue authorities is not conclusive as to the character of the land is poramboke; nor does



the omission to describe it as such prevent the Government from showing that it is really poramboke; nor does the mere description in the settlement register as temple poramboke vest any title in the temple.”

6. 'Grama Natham' has been defined in the **Law Lexicon** as follows:-

“Ground set apart on which the house of a village may be built”.

C. DISPOSAL OF GRAMA NATHAM LANDS BY THE STATE:

15. Since time immemorial, vacant lands in Grama Natham lands have been assigned to houseless poor as house sites under Revenue Standing Order 21. This is in contrast to the assignment of land for agricultural or other purposes under the Revenue Standing Order 21, or the alienation of land for Public Purposes under Revenue Standing Order 24.

16. The relevant portion of RSO 21 is extracted as below:

General – (i) Scale of grant : - Portions of grama natham or village site at the disposal of Government, not being land required for the common use of the villagers, may be granted for building purposes to



bonafide applicants. The maximum extent that could be assigned to any applicant for building houses is 1.25 ares. But the Tahsildars have discretion to grant a smaller extent in special circumstances, if, for instance the grant of an extent of 1.25 ares would encroach too much upon the area available for future assignments or the extent encroached upon already is less than 1.25 ares. In cases, where the extent is more than 1.25 ares and where it cannot conveniently be sub-divided for grant to another person, assignment may be ordered under this R.S.O on collection of market value as per the norms fixed by the Government, from time to time. The assignment in all cases shall be subject to the conditions of the orders of the assignment referred to in paragraph 7 below. In assigning lands for house sites care should be taken to see that land is not granted to persons already possessing enough land for their reasonable requirements and that preference is given to those who own no house site and whose family's income does not exceed Rs.12,000/- per annum. People belonging to the Scheduled Castes and Scheduled Tribes are to be given priority in assigning house sites.

17. Extension of village sites: Revenue Standing Order 21(6)



deals with extension of village sites (Grama Natham). Where existing village site is not sufficient for the needs of the resident villagers, in which case, assessed waste can be transferred to the village site poramboke by the Revenue Divisional Officer. The Collector is competent to transfer all unobjectionable poramboke to village sites, thus lending credibility to the view that the Government has rights over the Natham lands.

18. Further, where availability of vacant lands in Grama Natham is not adequate to provide assignment to the houseless poor, unobjectionable Government poramboke lands are identified to be provided as house sites to the houseless poor. Before assignment of such lands, the classification of these lands is converted to Natham and only then the house sites are assigned to the poor. Notably, for assignment of house sites to members of Scheduled Caste / Scheduled Tribe communities, private patta lands are acquired for the purpose of assignment, and converted into Natham, before being assigned to persons belonging to the SC/ST Communities.

19. It is to be noted that the above limits on extent and



eligibility have been modified from time to time by the Government but do not appear to have been incorporated in the Revenue Standing Orders.

Illustratively, assignment of lands in the vicinity of Corporations or District Headquarters has been banned since the 1980s. It is high time to incorporate the limits and re-issue the Revenue Standing Order 21 to avoid mischief by assigning valuable lands quoting the earlier provisions without taking into cognizance the subsequent developments.

3) A BRIEF HISTORY OF LAND REVENUE SETTLEMENT IN THE STATE:

20. Modern land revenue settlement emerged over two centuries ago in our State , with the British colonial government. Lands can be broadly classified as follows:-

Category I : Agricultural land in villages where land revenue was collected by the State

Category II : Agricultural and other land where land revenue was either not collected, or collected by and intermediary

Category III : Towns / cities which are essentially non-agricultural



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Category IV : Hills / forests which did not lend themselves to cultivation and essentially held by the State

Category V : Land in villages being used for housing – grama natham

21. The history of land revenue settlement is one of progressively surveying each of the above categories of lands and creating the lands records for the same.

A. SURVEYS IN TAMIL NADU:

22. Government of Tamil Nadu and erstwhile Madras Presidency has undertaken following survey in the state.

- a. Initial Survey – 1826
- b. Ryotwari – Initial Survey – 1858
- c. Hill map Survey – 1883
- d. Block maps in Town Survey – 1891-1894
- e. Resurvey – 1905-1926
- f. Updating of Registry Scheme – 1979 -1987
- g. Natham Survey – 1989 – 1992
- h. Supplemental Town Survey – 1989 – 1997



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- i. Hill Survey 1987 onwards
- j. Modern Town Survey – From 2002
- k. Modern Resurvey – From 2016

Each Survey was / is followed by the corresponding settlement.

23. **Category I:** Most of the then Madras Presidency was covered under the ryotwari system of land revenue assessment, wherein the State assessed and collected land revenue directly from the tiller. There were also select villages and areas where there were intermediaries such as Inamdars and Zamindars, or other classes where land revenue was assessed at a lower rate, or the land was held free of land revenue at all. The State periodically undertook survey of the lands i.e. how the land existed as holdings, and settled the land, i.e. indicated in the A register, who was liable to pay the land revenue at what rate for the said parcel of land based on the productivity of the land. For, the land revenue is nothing but the State's sovereign share of the produce from the land. It has been well recorded that the Ryotwari system is one of the reasons for the better development of the then Madras Presidency as compared to other areas where the vagaries of Zamindari system prevailed.



24. Category II: To remove the intermediaries and also bring all other land tenures systems uniformly to Ryotwari, a slew of legislations were passed after 1947, including.

1. Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948. (Act No.26 of 1948)

2. The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963. (Act No.26 of 1963)

3. The Tamil Nadu Minor Inams (Abolition And Conversion Into Ryotwari) Act, 1963. (Act No.30 of 1963)

25. The primary objective behind the passing of Act No.26 of 1948 was to repeal the permanent settlement which was in practice and for the acquisition of rights of landholders in permanently settled and certain other estates in State of Tamil Nadu and for the introduction of ryotwari settlement in such estates.

26. Category III: The Madras City Land Revenue Act was enacted as early as 1851 to levy assessment on the lands held as buildings in



Chennai City. This forms the basis of the subsequent Town Surveys conducted all across the State.

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27. Thus the State was initially concerned only with the assessment of land revenue and collection of the same in Category I lands, progressively came to survey and settle all other types of lands also so that there can be certainty of tenure. Even if the land revenue assessed is meagre, as is the case today, the land records created after settlement by following procedure established by law, act as a presumption of and input to determination of title by the Courts whenever there is a dispute.

28. During Original Settlement / Re-Settlement operations and also while introducing ryotwari settlement under Estate/Inam Abolition Acts, the lands used for dwelling purposes had been classified as ‘Government Poramboke-Natham / Grama Natham’ and such classification was recorded in Settlement Registers (Original Settlement Register and Re-Settlement Register) published as early as 1870-80 and 1911-1922 respectively, as Government Poramboke - Natham or Government Poramboke - Grama Natham.

**B. UPDATING OF REGISTRY SCHEME:**

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29. Right from the independence struggle, there have been demands to reduce the demand of land revenue levied on the ryots. With the increase in other commercial activity and sources of income for the State such as Commercial taxes, registration and stamp duties etc, the land revenue was not increased and ceased to be an important source of Revenue for the State. However, the sovereign duty of the Government remains that the land records are kept up to date. Hence, in the 1970s, though the land revenue was not increased since 1937, nor was there an intention to increase land revenue assessment by way of a re-settlement, the Government introduced a scheme called “Updating of Registry Scheme (UDR)” vide G.O.Ms.No.525, C.T. & R.E Department, Dated 16.05.1979, to bring the land records up to date. The main objective of the UDR scheme were,

- a. To convert the acre measurement into metric system in the village accounts.
- b. To transfer the registry to the existing land holders as on date after verifying the documents produced by them and to sub-divide the fields and transfer the registry to the individual persons if there are joint holders.



c. To find out the encroachers in the Government Poramboke and to prepare a list of encroachment.

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30. The UDR scheme provided for summary enquiry to ascertain the ownership of lands in the state, appeal mechanism etc.

31. It is seen that the UDR was completed in 1987 but the appeals are still being entertained by the District Revenue Officers. It is to be noted that the appeals were being dealt at the level of Tahsildars as late as 2008. It is high time that the Government decides to end the appellate jurisdiction of the executive authorities, and leave any disputes to be resolved in the Civil Courts.

32. Similar to the Updating of Registry Schemes which dealt with Category I of lands, revised Town Surveys have been attempted in respect of Chennai City and other Towns, dealing with the Category III of lands. It may be seen that the character of land could and does change over time, from one Category to the other, such as an erstwhile rural agricultural land or even inam land is settled as ryotwari, then the land use is converted



over decades to one of say, housing, by formation of approved layouts in suburban areas, and the suburban area subsequently merges with the Town or City. In such cases the revised Town Survey is expected to create high quality urban land records away from the erstwhile rural land records intended for revenue collection.

33. **Category IV:** Hill areas also have been surveyed since the 1980s.

34. **Category V (Grama Natham):** The privy council as early as in 1860 has held that “*Private ownership not existing, the State must be owner as ultimate lord*”.

35. In **Council vs. Jannavula Pedda Rengayya and Anr.** [(1903) 4 M.L.T. 440]. “*According to the common law of the country the control of Grama Natham vests in the Revenue authorities and they are at liberty to grant portions of it at their discretion to persons who apply for it for building purposes.*”



36. In the case of **The Taluk Board Dindigul vs. Venkatarama Aiyar (AIR 1924 MADRAS 197)** referred to the above Judgment and observed that *“a precisely similar case arose as to the village building site. The learned Judges held that no customary right was established. They said until it (the land) is appropriated in this way to the use of some definite person it is usual for the villagers to make use of it in any way that suits them best. They throw rubbish on it, graze their cattle on it, use it as a latrine, and the like and they are rarely interfered with. But it is always understood that this use is permissive on the part of Government. and that Government has the right at any time to appropriate it for any special public purpose or grant it to an individual for building purposes.”*

37. The Hon’ble Madras High Court in the case of **Collector of Godaveri District vs. Rangayya [AIR 1929 Mad 441]** has inferred that *the title to gramantham except so far as it has been lost by grant or adverse possession is with the Crown. It may be noted that this observation was passed after the passing of Tamil Nadu Land Encroachment Act, 1905.*



4) TAMIL NADU LAND ENCROACHMENT ACT, 1905:

38. With this background, the rationale behind the passing of Tamil Nadu Land Encroachment Act, 1905 may be looked into.

39. The preamble to Tamil Nadu Land Encroachment Act, 1905 states that this Act was to provide measures for checking unauthorized occupation of land which are the property of Government.

40. With this objective, Section 2 of Tamil Nadu Land Encroachment Act, 1905 while defining the term “Property of Government” includes (1) all public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark, and of rivers, streams, and lakes and tanks, and all back waters, canals and water-courses and all standing and flowing water, and **all lands wherever situated**, save in so far as the same are the property-

a. of any zamindar, poligar, mittadar, shrotriendar or Inamdar or any person claiming through or holding under any of them, or

b. of any person paying shist, kattubadi, jodi, poruppu or quit-



rent to any of the aforesaid persons, or

c. of any person holding under ryotwari tenure, including that of a janmi in the Gudalur Taluk of the Nilgiris District and in the transferred territory or in any way subject to the payment of land revenue direct to Government, or

d. of any other registered holder of land in proprietary right, or

e. of any other person holding land under grant from the Government otherwise than by way of license, and, as to lands, save also in so far as they are temple site or owned as house-site or backyard, are and are hereby declared to be the property of Government except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other land owners and to all customary rights legally subsisting.

41. It may be noted that the above definition excludes temple sites and land owned as house sites from the definition of property of Government. However, upon close reading, it can be discernible that “all lands wherever situated.....save also in so far as they are.....owned as house site or backyard are the property of Government”. Hence, it can be



stated that the Act does not fully exempt the house sites from its ambit.

What it does is that it exempts only the lands that are owned as house-sites.

It is essential that the ownership of such house-site must be legal and legitimate. There are lands in the state which are still unoccupied and not-owned by anyone. There are still lands in the state which are occupied very recently with an intent to exploit it by selling so as to gain from the continuous growth in real estate sector.

42. It may be noted that the Tamil Nadu Land Encroachment Act, 1905 majorly provides for following activities by the authorities.

- a. Levy of assessment of lands unauthorizedly occupied.
- b. Liability of person unauthorizedly occupying land to penalty
- c. Liability of person unauthorizedly occupying land to summary eviction
- d. Method of Eviction including prior notice
- e. Recovery of assessment or penalty levied as arrears of land revenue.
- f. Appeal mechanism
- g. Revision mechanism



43. It may be noticed from the above that Tamil Nadu Land Encroachment Act, 1905 does deal not only with eviction from the land but also deals with the levy of assessment of lands unauthorizedly occupied.

44. In these circumstances, if the provisions of 1905 Act is not pressed into the unoccupied and ownerless lands classified as Grama Natham, the avowed objective of the 1905 Act cannot be fully achieved. Hence, it is the need of hour to harmoniously interpret the provisions of 1905 Act to prevent the unoccupied gramanatham sites from being encroached illegally.

45. Another leg of argument against this interpretation would be that the Government would then require every household to prove their ownership to the grama natham site owned by them. The same has been dealt by this Hon'ble Court in the case of **Collector of Godaveri District vs. Rangayya [AIR 1929 Mad 441]** as early as in 1929, wherein it has been held as follows:-

“It has been argued that unless the



plaintiffs contention is upheld the Government will be at liberty to put every village householder to the proof of his title, and to eject those who have no documentary proof. As Government administer these village sites through the revenue department for the purpose of providing suitable house sites for the villagers it is inconceivable that they would attempt to turn out the present occupants merely in order to install others in their place. But in cases where a person appeared to be enjoying more than his proper allotment, it is quite conceivable that Government might take action in the interests of the villagers, as a whole; and no one but the encroacher himself would have cause to complain. In the present case the plaintiffs seem to have thought their title to their shed not to stand upon the same footing as their title to their house, and they themselves took the initiative in having it tested. Therefore it hardly lies in their mouth to accuse Government of art unjust inquisition into title. The case has been correctly dealt with by the learned Subordinate Judge and this appeal must be dismissed with costs."



46. Thus, as early as 1929, this Hon'ble Court has rightly distinguished between lands being enjoyed by individuals as houses – which are private property, and lands merely occupied as vacant lands or other uses – which remain State property and available for disposal / public use.

5) NATHAM SURVEY AND SETTLEMENT:

47. To authoritatively create land records distinguishing the privately held lands, the lands kept for public purpose, and the lands available for disposal by the State, a comprehensive exercise in the nature of Survey and Settlement was needed. The Government of Tamil Nadu vide G.O.Perm.1177, C.T&R.E, Department, dated 30.10.1987 sanctioned to survey and settle the natham lands and agricultural lands used for non-agricultural purposes from the year 1989. The guidelines to effect the natham survey and settlement was issued vide G.O.Ms.No.1971, Revenue (SS-II) Department, Dated 14.10.1988. This guidelines classified the natham lands as follows:-

1. All private holdings in Natham are and agricultural lands set apart for dwelling purposes will be registered as “Manai”.
2. Vacant site in Natham or Village site at the disposal of the



Government which are readily available for house site assignment will be registered as “Vacant site Poramboke”.

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3. All public properties such as “road, Street, Channel, Chavadi, Hospital, Cart stand, Cattle Stand, Pathway, Threshing floor etc., in Natham or village site will be distinguished and recorded as road, street, channel, poramboke etc., in the records according to the state on ground.

4. Lands belonging to various institutions such as “temple, Church, Mosque, School with playground” etc will be distinguished and recorded in records accordingly.

48. For the purpose of deciding ownership to the occupied site, the same G.O. provided for following guidelines:-

1. The Special Tahsildar was directed to take up each holding as a separate case and issue notices to owner (as indicated by the field staff in the land register) to be present at hearing.

2. The Special Tahsildar was further directed to satisfy himself about the ownership of the property.

3. In case no assignment order has been issued by the Revenue Department, the Special Tahsildar had to decide the ownership of the



property on the basis of enjoyment for thirty years prior to the date of publication of this notification. For this, oral and documentary evidence was allowed to be taken.

49. It may be noted that the above process was meant not only for levying ground rent but also to survey the entire natham lands and to recognize the ownership in respect of natham lands. This G.O has withstood judicial scrutiny over the years and ownership in natham lands have been recognized and the people are issued with natham pattas.

50. Hence it is stated that the Government verifying the ownership of the lands is not new and has infact successfully implemented the above two state wide schemes as early as in the year 1979 and 1989.

51. At this juncture it may be noted that the State of Tamil Nadu is a pioneer in settlement of habitations (grama natham), and most States of the Union have not done such an exercise. Indeed, the Union Government has come out with a Scheme called 'SVAMITVA' (Survey of Villages Abadi and Mapping with Improvised Technology in Village Areas)



wherein property cards are to be issued after survey of the houses / holdings and ascertaining ownership. “Abadi” is nothing but grama natham in North India.

52. Since the natham survey was completed in 1997, and the appeal / review period also ended, to deal with the arising issues of fresh applications / appeals / reviews, a detailed circular had been issued by the Commissioner of Land Administration vide Circular No.K3/14710/2015 dated 07.08.2015. It has the procedure for issuance of patta in Gramanatham that have been in enjoyment of the claimant who has clear documentary evidence to prove the same. It also has the procedural safeguards against the issuance of patta for lands in which purported rights are newly and spuriously created by way of registering documents in view of soaring land prices in the State. i.e. land grabbing. This circular has been upheld in several judgments of this Hon’ble Court. However, this Circular is declared unconstitutional by this Hon’ble Court on the ground that the lands classified as Natham are stated as the Government lands in the circular, in W.P.(MD).Nos.9466, 11424, 9469, 9470 and 9471 of 2021, Dated 07.08.2023.



**6) JUDGMENTS RECOGNIZES THE DUTY OF THE
GOVERNMENT TOWARDS GRAMA NATHAM LANDS:**

53. a. In **Corporation of Chennai vs. K.Narasa Reddy [(2012) 4 MLJ 646]**, this Hon'ble Court held that *"17. The pathetic situation prevailing in this part of the globe, as we observed is that, ignoring the fact that Gramanatham land is a common village land, the greedy persons like the writ petitioner in this case are indulging in activities, which are purely commercial in nature. When the appellants themselves have accepted in all fairness that patta has been issued erroneously and that they have initiated necessary proceedings to cancel the same, we are unable to find fault with the impugned action initiated by the appellants herein. This rampant practice of misusing the Gramanatham lands in this part of the globe has to be curtailed immediately, so as to protect the common village lands for the welfare of the public in general. Therefore, the Government of Tamil Nadu and its revenue officials are directed to strictly protect the Gramanatham lands from being misused, particularly for commercial purposes."*

b. The above judgment was relied upon by this Hon'ble Court



in W.P.No.29264 of 2016.

c. In **R.Shanmugaraj vs The District Collector, Tiruppur**

and others in WP No.2855 of 2013, wherein the Writ Petitioner had sought to forbear the respondents from commencing construction of a playground for the use of Government Adi-dravidar welfare hostel students in a Natham land admeasuring 1780 sq.mt, the Hon'ble High Court at Madras in their order dated 01.11.2018 **held that the Writ Petitioner is not entitled to the relief he sought for and also went on to record that even if assignment were to be given for such a large extent of land, then such assignment itself would be construed as invalid, unconstitutional and opposed to Constitutional Philosophy and public policy, in view of the Constitutional mandate on the part of the State to ensure that such public lands and Government lands are maintained only for the welfare of the public and in the interest of the public Administration. The Hon'ble Court also drew a reference to the Circular issued by the Additional Chief Secretary / Commissioner of Land Administration in reference No.K3/14710/2015 dated 07.08.2015 wherein it has been explicitly stated that "that the vacant lands available in Natham shall be recorded as "Vacant Site" and can be assigned to the weaker sections of the**



rural population. In this instance, **the Hon'ble Court opined that assignment of vast extent of land which is classified as "Natham Land" in favour of the individual for their personal gain is certainly impermissible, leading to the conclusion that unassigned Natham Lands are public lands, and Government being competent to assign Natham lands for the welfare of the poor, should ensure that such assignment should not be for personal gains.**

d. In WP Nos.15692 to 15695 of 2014, this Hon'ble Court held that *"We do not find any merit in these writ petitions. A perusal of the impugned order would show that as per the records, the lands have been classified as circar porambke. It is seen that the Town Survey Register shows the classification of the land as a circar poramboke. Even assuming that the lands are Grama Natham lands, they can only be used for residential purpose. Admittedly, in all these cases, the petitioners have put up commercial buildings, Therefore, the authorities have rightly held that the petitioners do not have any right over the properties, which are subject matter of the proceedings."*

e. In another instance, in WP No.3741 Of 2011, the Hon'ble High Court in order dated: 15.11.2018, wherein the petitioner had prayed



for the issuance of patta for the Natham land from which the temporary hut he had put up was evicted, the Hon'ble High Court, after observing that the property is a Natham poramboke land and that the Petitioner was also evicted from the said property, held that the Petitioner has no right whatsoever, to seek for issuance of patta, as a matter of right in Grama Natham lands.

f. In WP No.7230 of 2014, this Hon'ble Court held that “11. *This Court is of an opinion that the writ petitioner though claims title of the said land based on the sale deed, he prays for an issuance of patta by the authorities. The land grabbers in the city and sub-urban areas are falsely creating documents including power of attorney, sale deeds etc. and thereby, attempting to grab the private lands as well as the Government land. On account of huge increase in land value, these crimes are frequently witnessed by the authorities also. The revenue officials, registration department are to be vigil in respect of maintaining the public lands. The public lands situated within the Chennai Corporation and near by sub-urban areas are valuable and such public lands are to be utilised only for the public purpose and in the interest of the public and for future policy decisions, which are to be taken for the public welfare. The*



respectful District Collectors and the Revenue officials must be vigilant in maintaining such public lands. In the event of identifying any encroachment of such public lands, immediate actions are to be initiated for eviction by following the procedures contemplated.....”.

g. In R.A.V. Kovil Annayya Charities vs. The District Collector, Tiruvallur and Ors. (W.P. No. 25608 of 2023), the First Bench of this Hon’ble Court though quashed the notices issued under Tamil Nadu Land Encroachment Act, 1905, had recognized as follows in respect of Grama Natham Lands. “It would be clear that the Gramanatham or Natham Poramboke can be classified into three types. Firstly, the Natham which are inhabited by the villagers by putting up their house or being their pilakadai or kollai etc., which is their absolute property and the Government does not have any right, title or interest in the same. The second portion of the Gramanatham or those portions which may be used for communal purposes, such as street, thrashing floors etc. Once they are used for communal purposes, by virtue of Section 2 of the Act, they become the Government interest lands and as such, have to be termed as the other types of Poramboke, in which, no individuals can claim any title and any encroachment can be removed by invoking the provisions of the Act. **The**



third type is the unoccupied portion of the Gramanatham land, in which the right is vested with the Government to regulate its occupation. The Government has the right to assign the unoccupied portion by ensuring the condition of residence eligibility etc., and it is only in this context, the Revenue Standing Orders, enabling the Government to impose conditions, assign only 3 cents lies.”

7) GRAMA NATHAM IN THE ESTATE ABOLITION ACTS:

54. Having considered the Grama Natham within the context of Tamil Nadu Land Encroachment Act, 1905, in the original Ryotwari Villages, it is apposite to refer the Grama Natham lands under the Estate Abolition Act.

55. It may be noted that the estates (as it was called then) in the state are usually of three categories namely Zamindari estates, Inam estates and under tenure estates.

56. The Government decided to gradually abolish the estates and convert them into ryotwari land with ryotwari assessment and



accordingly brought in following legislation.

a. Madras Estates (Abolition and Conversion into Ryotwari)

Act, 1948. (Act No.26 of 1948)

b. The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963. (Act No.26 of 1963)

c. The Tamil Nadu Minor Inams (Abolition And Conversion Into Ryotwari) Act, 1963. (Act No.30 of 1963)

57. The primary objective behind the passing of Act No.26 of 1948 was to repeal the permanent settlement which was in practice and for the acquisition of rights of landholders in permanently settled and certain other estates in State of Tamil Nadu and for the introduction of ryotwari settlement in such estates.

58. While it is true that Section 3(b) of Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948 did not have the effect of transferring to Government title to house-site within Grama Natham belonging to a person other than land holders, it is pertinent to mention that the Act was meant to abolish intermediaries and introduce ryotwari



settlement in such estates. Even though the Act is silent on collection of land revenue from Grama Natham lands, presumably on account of them being lands where no cultivation was done, the zamindaris had the rights to assign vacant sites in Natham to ryots. Hence, the powers of the Government insofar as it pertains to assignment of vacant sites in Natham to ryots, cannot be less than that of the intermediaries, are therefore implied while not being explicitly stated in the Act.

59. The Courts have previously ruled that Grama Natham lands are shielded from being transferred to the Government, as stipulated by Sections 3 and 18 of Act No. 26 of 1948. However, it's important to recognize that Act No. 26 of 1948 has surpassed its relevance, leading the Government to repeal it through the Tamil Nadu Repealing (Third) Act, 2023. This raises the question: does the repeal change the earlier stance that Grama Natham lands do not vest with the Government, allowing these lands to now be considered as Government property? Affirming such a question in positive would not be prudent and would lack legal justification, hence the correct response must be in negative. This suggests that the Government's intention behind enacting Act No. 26 of 1948 was not to



relinquish its duty in preventing the unauthorized occupation of Grama Natham land. To this end, the Government has implemented various and details of the relevant schemes are discussed below.

8) VIEWS / JUDGEMENTS THAT THE STATE HAS NO RIGHTS ON GRAMA NATHAM LANDS:

A.CASE DETAILS WITH THE GROUND OF DISTINCTION:

60. This Court in various judgments has held that Government has no rights in Grama Natham lands.

61. In the case of **N.S.Kuppuswamy Odayar Vs The Narthangudi Panchayat** [MANU/TN/0303/1970 : 1971 (1) MLJ 190]

“The mere fact that in the Re-settlement Register, a particular piece of land has been described as poramboke will not by itself establish title of the Government to the land in question”.

Distinction:

62. At the outset, the above judgment is not directly connected to the issue of Grama Natham lands, rather, they pertain to declaration of



right to title to the tank and fishery rights therein. However, as the judgment relates to non-establishment of title of a land as belonging to Government merely because it is described as poramboke in the Re- survey and Re-settlement register, it is necessary to mention here that the Re- survey and Re-settlement register is a Revenue document and does not indicate title. The Re- survey and Re-settlement registers are created as an outcome of the Re-survey and Resettlement process, wherein the land revenue to be collected for each holding is printed in the Register. The correction of settlement errors is a self-contained process, and where an error has occurred either in the name of the land holder or in other aspects, there exists a mechanism to correct such errors.

63. In the case of **Palani Ammal Vs L.Sethurama Aiyangar** [MANU/TN/0191/1949 : 1949 (1) MLJ 290]

Distinction:

64. In this case, the Hon'ble High Court in the order dated 10.01.1949, placing reliance on **Wadsworth, J., in Chinnathambi Goundan vs. Venkatasubramania Iyer [(1939) MWN 207]**, have held as follows: "Gramanatham is not communal property in the sense in which



threshing floor or burning grounds or other property is communal, that is property reserved for the use of the community. Gramanatham if it is unoccupied is assigned from time to time by the proprietor whether it is in zamindari area or in an Inam village and this practice was referred to by the learned Judge (Wadsworth, J.) in Chinnathambi Goundan vs. Venkatasubramania Iyer [(1939) MWN 207]. This, if it may so with respect, is the practice obtained in the Zamindari area and also in Inam villages. The village in which the suit site is situated is an Inam village and the owners of the village (Inamdars) would be entitled to all porambokes except communal porambokes. Even in respect of lands covered under the Madras Estate Land Act, it is held that the Government can exercise its powers only to the limited extent to prevent the diversion of village site poramboke from the purpose for which it has been reserved and it was held therein that the village sites did not actually vest with the Government.

65. If such is the position regarding lands which were under the control of intermediaries' before the abolition Acts came into existence wherein the intermediaries(referred to as proprietors) had the right to assign unoccupied Gramanatham lands, the rights of the Government in the case of



Gramanatham lands in Ryotwari villages cannot be less than that of the intermediaries, and the Government has the right to assign the vacant lands to the houseless poor (a principle that is enshrined in the Revenue Standing Order 21), that has been in vogue for more than a century now. While the definition of Grama Natham as per law lexicon as “Ground set apart on which the house of a village may be built” is clear, it behoves us to answer an important question, i.e. the question of “Set apart by whom?” in the context of setting apart of the grounds, as the grounds for the village site could not have been set apart on their own. If the lands are purported to be set apart by all individuals themselves when some individuals claim some portions of the land for themselves, it will indeed be anarchy or worse, the rule of the mighty.

66. In the case of **Rengaraja Iyengar vs. Achikannu Ammal** [MANU/TN/0492/1959 : 1959 (2) MLJ 513], the Hon’ble Court held as follows:

“10.....The title to a house site in a gramathanam is protected from transfer to Government by the operation of Madras Act III of 1905.



11. It is not necessary that, in order that the policy underlying Madras Act XXVI of 1948 be completely given effect to, house-sites belonging to private individuals (that is, persons other than the landholder) in a gramamatham, should be transferred to the Government. It is not part of the policy of the Act to transfer to the Government land in which the proprietor had no interest at any time. Further, transfer of title of such house-sites to the Government would be virtually without payment of compensation because there would be no means of determining the part of the total compensation payable for the estate as a whole, which should be regarded as compensation paid for a few cents of house-site in a hamlet of the village. Therefore, if there is any ambiguity in the Act in relation to transfer of title as to a house site, such ambiguity should be resolved in favour of the owner, because no legislation should be held to be expropriatory in character if such an inference could possibly be avoided.

Distinction:

67. It is not the contention of the Government that title of all



Grama Natham belongs to Government. The Government does not dispute the title of the legally owned Grama Natham site. It has been historically recognized and infact pattas have also been issued to the owners of Grama Natham.

68. In the case of **State of Madras Vs Kasthuri Ammal**

[MANU/TN/0531/1973 : 1974 (87) LW 531]

“The Hon’ble High Court of Madras in the instant case pertaining to right to possession of a house site in Grama Natham poramboke in Minor Inam Village, have ordered as follows :

“In as much as Survey No. 74 is a natham poromboke, such portion of the suit site which is comprised therein must be held to be a house-site and the possession of which the plaintiff is entitled to cling to and resist all invasion. Such a right of the plaintiff can never be held to have been extinguished or curtailed by reason of Act XXX of 1963. It must also be stated with equal force that any interference or invasion with the said right of the plaintiff is always challengeable in appropriate proceedings before the civil Court.”....“The provisions as to vesting of lands



under [Section 3 \(b\)](#) of the Act (XXVI of 1948) should be read so as to be in conformance with the provisions regarding the applicability of the enactments relating to ryotwari areas. House-sites in gramamatham, therefore, could not stand vested in the Government under [Section 3 \(b\)](#) of the Estates Abolition Act." We are of the opinion that this decision states the correct position of law and that what (applies to house-sites in gramamatham in estates taken over under Act XXVI of 1948 should mutatis mutandis apply to minor inams taken over under Act XXX of 1963."

Distinction:

69. This facts of this case is that the Town Panchayat after promising the compensation for land in natham had later refused by stating that the property is a grama natham property. Further, the Government-defendants in this case could not conclusively prove before the Hon'ble Court that the land was properly surveyed and no notice was given to the party concerned by an adverse survey. The Court deprecated this practice and held that the land never vested with the Government.

70. In the case of **Thillaivanam A.K.Vs The District**



Collector, Chengai Anna District [MANU/TN/1720/1997 : 1998 (3) LW

603)

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“In this often cited judgement to reiterate the point that Grama Natham lands do not vest with Government, the Hon’ble High Court have relied upon the judgements in Palani Ammal vs. L.Sethurama Aiyangar [MANU/TN/0191/1949 : 1949 (1) MLJ 290] and Rengaraja Iyengar Vs Achikannu Ammal [MANU/TN/0492/1959 : 1959 (2) MLJ 513] and have ordered as follows :

“..Normally, this Court should not have gone into the dispute of title or possession. But in the present case, in the counter affidavit filed by the respondents not only the classification as gramanatham but also the exclusive possession since 1954 has been admitted.”

Distinction:

It may be noted that the above Judgment was based on the statement by Government which admitted the exclusive possession since 1954.

71. In the case of The Executive Officer, Kadathur Town

**Panchayat Vs Swaminathan [(2004) 2 MLJ 708]**

“In the light of the above and in view of the fact that the admitted classification of the land being a 'Grama Natham', it is obvious that the land was never vested with the Government or the Town Panchayat. In as much as the petitioners and their ancestors were in exclusive possession of the lands in question for the past 40 years, the impugned order of the third respondent in cancelling the pattas with a view to evict them summarily at the instance of the resolution passed by the Panchayat is not sustainable. Further such a summary eviction is not permissible in law when the disputed question of title is involved for adjudication as laid down by the Apex Court in a number of decisions.”

Distinction:

It may be noted that this Judgment was based on the finding that the petitioner had exclusive possession for the past 40 years.

72. In the case of K.Ilangovan Vs The District Collector,



Coimbatore (2014-1-LW430)

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“Considering all these decisions of this Court and by considering the admitted factual position with regard to the classification of the land as grama natham, I am of the view that the respondents have got no right to interfere with the peaceful possession and enjoyment of the land which is in occupation of the petitioner at S.No.1007/1, 1007/2, 1007/3 and 1008/1 in Kannamanaickanur village, Marulpatty, Udumalpet Taluk, Coimbatore District. The respondents have not stated in their counter that they are not trying to interfere with the possession of the petitioner's enjoyment and on the other hand, it is their case that the petitioner has encroached upon the lands, which is meant for granting patta to houseless poor and agricultural labourer. Only when the respondents are having any right over the land, they can take action against the petitioner to evict and to grant patta in respect of the said land to the houseless poor or agricultural labourer. When they do not have any right over the land as held by this court in the decisions as referred to supra, in my considered



view, the respondents cannot interfere with the petitioner's peaceful possession and enjoyment of the land. Accordingly, I find the petitioner is entitled to succeed in this writ petition. Consequently, the writ petition is allowed.”

Distinction:

In this case, the petitioner claimed the possession of more than 60 years and this fact has not been countered by the Government with evidence.

73. In the case of T.S.Ravi & T.S.Sulochana Vs The District Collector, Thiruvallur District (WP Nos.26234 & 26237 of 2018, dated 11.10.2018):

“In this case, the Hon’ble Division Bench had considered the applicability of the Tamil Nadu Land Encroachment Act, 1905 and had quashed the notices issued under the same in respect of grama natham lands. The judgement held that a clear view emerged from various decisions in the past “That the Government has no paramount title to the lands classified as



Grama Natham and such lands do not vest in the Government. If that be so, the respondents herein could not have invoked the provisions of Tamil Nadu Land Encroachment Act, III of 1905, to evict the petitioners.” and concluded that “We, therefore, conclude that the Government has no right to evict persons who are in occupation of lands classified as Grama Natham in the Revenue records by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905, or any other enactment.”

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“In this case, the Hon’ble Division Bench had considered the applicability of the Tamil Nadu Land Encroachment Act, 1905 and had quashed the notices issued under the same in respect of grama natham lands. The judgement held that a clear view emerged from various decisions in the past “That the Government has no paramount title to the lands classified as Grama Natham and such lands do not vest in the



Government. If that be so, the respondents herein could not have invoked the provisions of Tamil Nadu Land Encroachment Act, III of 1905, to evict the petitioners.” and concluded that “We, therefore, conclude that the Government has no right to evict persons who are in occupation of lands classified as Grama Natham in the Revenue records by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905, or any other enactment.”

75. In the case of A.Sacractice and Ors. vs. The District Collector, Thiruvallur and Ors. (WP No.31688 of 2022):

“The Hon’ble Madras High Court in this Case has held that “....we hold that when the land in question in Adi-Dravidar Natham i.e Grama Natham land which is meant for occupation by Adi-Dravidars by putting up their houses, cannot be set to be Government interest lands so as to be made over to the CMRL without acquisition of title.”

Distinction:



76. These cases are about the invoking of Tamil Nadu Land Encroachment Act, 1905 so as to avoid the payment of compensation to the land holders. In these cases, the Government had acquired a portion of the land from the petitioner by paying compensation. However, the petitioner's possession in other portion of the land was sought to be evicted on the ground that the petitioner has commercial construction in the Grama Natham land. The Court held that the commercial usage by itself would not vest the Grama Natham land with Government.

9) DISCUSSIONS:

77. Though these judgments of this Hon'ble Court declares the non-vesting of Grama Natham with the Government, all those judgments are distinguishable to the present interpretation on the ground that there seems to be little or no decision on the legitimate ownership of Grama Natham lands vis-a-vis the role of Government in verifying the ownership to such lands in Grama Natham area to prevent the unjust/illegal encroachment and enrichment by few individuals at the cost of society.

78. Grama natham, by definition, is the ground set apart, on



which the houses of a village may be built. The term 'set apart' itself lends to the question, set apart by whom? It is set apart by the State acting on behalf of Society as a whole. If the rights to the vacant lands in grama natham did not vest in the State, by the very nature of the State, it will lead to a Hobbesian anarchy. This has been recognized by this Hon'ble Court from the outset say in **Council vs. Jannavula Pedda Rengayya and Anr. (1903) 4 M.L.T. 440**, or **The Taluk Board Dindigul vs Venkatarama Aiyar**" (AIR 1924 MADRAS 197).

79. Therefore, in order to protect Grama Natham lands, the legal status of Grama Natham lands must be harmoniously interpreted in the following manner.

1. House site legitimately owned by any person and issued with Natham Patta. The Government has no right to interfere in the possession and dispute in this house site.

2. House site owned by any person to which the Natham Pattas are not issued so far. The Government for the purpose of issuing Natham Pattas may require certain documents to consider the occupier's ownership. Upon verification, if the authorities are prima



facie satisfied about the ownership, then the Natham Pattas can be issued. If the occupier is unable to prima facie establish their ownership, then such occupier are to be treated as encroacher for the purpose of following the procedures prescribed under Tamil Nadu Land Encroachment Act, 1905.

3. House site unoccupied and not owned by anyone. Government has freehold in this type of land and can deal with in the manner provided under relevant laws including Revenue Standing Orders.

4. Procedure for dealing with residual cases of claim of natham patta –Commissioner of Land Administration may issue a fresh circular on the lines of the 07.08.2015 circular correcting the lacunae in the same.

5. Expeditious completion of computerisation: The public lands in each grama natham must be generated in the computerisation process and subject to social audit during the Grama Sabha informing the public that the public lands are being held in trust properly, and the disposal is also done in favour of genuine beneficiaries or public causes.



80. In the event of permitting greedy men to encroach upon the grama natham lands and usage of grama natham lands for commercial purposes would lead to lawlessness in the society. Persons with money power, muscle power and political power alone would be in a position to occupy such grama natham lands to a larger extent for exploitation and for unjust gains. Such occupation would infringe the public right and the right of homeless poor people to occupy grama natham lands to be regulated by the Government. Such grabbing of lands is unconstitutional and in violation of the constitutional mandate of “social justice”.

81. This Court is witnessing that in multitude cases, the assignment of Government lands are majorly done to the powerful and influential members of the society, who may not be bonafide applicants and in turn these Government lands are used for commercial purposes. With the efflux of time, the de facto purpose or essence is washed away and or is made to seem right to the visible eyes.

82. The Government is not empowered to grant land based on their own whims and fancies. A guideline needs to be put in place to ensure



that power in assignment of Grama Natham lands are bridled and used for the rightful purpose to the rightful people. The Government is not just for politicians and party men. It is the representative of the common man. It does not only include the top echelons of the society, but travels the bottom rung of the ladder and it is the inherent duty of the Government to work for their upliftment both socially and economically. This can be achieved through schemes, such a assignment of Government lands, Natham lands, which is a welfare measure.

83. Therefore, any unauthorised occupation of 'Grama Natham' lands is impermissible and occupants are to be construed as encroachers and are liable to be evicted by following the procedures as contemplated under the Tamil Nadu Land Encroachments Act, 1905. Thus the contention of the petitioner that Land Encroachments Act, 1905 is not applicable in respect of 'Government Poramboke ~ Grama Natham' land is untenable.”

84. The cardinal principles are carved out from the directive principles of State Policy under Article 39(b) of the Constitution of India,



which states that ownership and control of the material resources including the Grama Natham, etc., of the community are so distributed as best to subserve the common good. In order to achieve the said principles, State themselves ensure that the lands including Grama Natham Poromboke lands are distributed to sub serve the common good. Equal distribution of land to the landless poor people is the mandate. Therefore, the larger extent of such Grama Natham Poromboke cannot be claimed by any individuals for commercial exploitation or their personal gains. Therefore, the notion that the Government has no power to interfere, in respect of Grama Natham lands are oppose to the constitutional principles and we are of the considered opinion that the State is empowered to regulate the more material resources including Grama Natham Poromboke lands, so as to ensure that it is distributed to sub serve the common good.

85. Section 2 of the Tamil Nadu Land Encroachment Act, 1905 denotes right of property in public roads, etc., waters and lands. Sub-Section (1) deals with *“All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark, and of rivers, streams, nalas,*



lands, lakes and tanks, and (all back waters, canals and water-courses) and all standing and flowing water, and all lands, where ever situated, save in so far as the same are the property....”

86. The competent authorities of the Government are empowered to regulate the “Grama Natham Lands”. It is essential for regulating the land in order to prevent encroachments and abuse of grama natham lands for unjust and personal gains. Commercial activities in grama natham lands are to be prohibited and all such establishments are to be removed by invoking the provisions of the Tamil Nadu Land Encroachments Act, 1905. Revenue Standing Orders R.S.O 21 is to be followed in order to protect the grama natham lands and to utilise the same as house sites for homeless poor people or public purposes.

87. Large scale illegalities and irregularities are being committed, while dealing with the grama natham lands. Revenue Records are tampered and based on bogus documents, rights are claimed by greedy men. Appropriate legal actions are to be initiated against the offenders without any leniency. Collusion on the part of the Department Authorities



cannot be overruled. Therefore, lapses, negligence, dereliction of duty and misconduct, if any, departmental disciplinary proceedings are to be initiated against the public servants, who have involved in such illegalities.

88. The Origin and the History of “Grama Natham Lands” and the Legal Positions are elaborately considered in the present judgment. Thus, the orders/judgments passed in writ petitions and the Division Bench judgments rendered not considering the legal position and the Revenue Standing Orders in entirety about “Grama Natham Lands”, have denuded to lose its status as precedent.

10) CONCLUSION:

89. In the present case, the petitioner though was in occupation of 'Grama Natham' land, Mr.A.Selvendran, learned Special Government Pleader disputed the said contention raised on behalf of the petitioner by stating that the land was reclassified as 'Government Land'. More-so, the Government has not assessed the land in favour of he appellant. The learned Special Government would further submit that the appellant had not produced any document to establish his occupation. The subject land was



already allotted to Survey Department for construction of Survey Office and for staff quarters in the said location.

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90. When the land was already allotted for public purposes, then the said land, cannot be assigned in favour of private individuals. If at all the appellant is the poor homeless person, he is at liberty to submit an application for assignment of land under the Government Welfare Scheme and in the event of receiving any such application, the Authority Competent may consider the same strictly in accordance with the terms and conditions of the Welfare Scheme and in consonance with the Revenue Standing Order.

91. In view of the discussions made above, the Government is empowered to regulate the “Grama Natham Lands” and utilise the land for public purposes. In the present case, “Grama Natham Lands” has been allotted for public purpose to the Survey Department. Possession also had been taken. Therefore, the appellant is not entitled for the relief as such sought for in the writ petitions and in the writ appeals.



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92. Accordingly, both the writ appeals are dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

27-03-2024

Index : Yes
Internet: Yes
Speaking order
Neutral Citation : Yes
Svn/Jeni

To

- 1.The District Collector,
Perambalur District,
Perambalur-621 212.
- 2.The Revenue Divisional Officer,
Perambalur Division,
Perambalur-621 212.
- 3.The Tahsildar,
Perambalur Taluk,
Perambalur-621 212.
- 4.The Assistant Executive Officer,
(Building Construction and Maintenance),
Perambalur Taluk Office Compound,
Perambalur,
Perambalur District-621 212.