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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 25498 of 2023

and

WMP No. 24888 of 2023

E.Sundara Murthy
S/o. Elappan, Vasudevan Pattu Village, Chengam
Taluk, Thiruvannamalai District

..Petitioner(s)

Vs

1. The District Collector
Thiruvannamalai
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Thiruvannamalai
3. The Tahsildar
Chengam Taluk
Thiruvannamalai District 606 701
4. The Block Development Officer
Pudhupalayam,
Thiruvannamalai District 606 705
5. S.Banu
(R5 – impleaded as per order made
in WMP.No.31014/2023 dt.24.3.2026
by SMSJ & KSJ)

..Respondent(s)

To call for the records relating to the impugned order vide Na.Ka.No. A2 / 1110164 /2023 dated 10.08.2023 on the file of the 1st respondent herein and to quash the same



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For Petitioner(s): Mr.D.Murthy
For Respondent(s): Mr.T.Arunkumar,
Addl.G.P. for R1 to R4
Mr.C.Justeen for R5

Order

(Order of the Court was made by S.M.Subramaniam J.)

A writ on hand has been instituted challenging the proceedings of the District Collector, Tiruvannamalai dated 10.07.2023, declining to grant assignment patta in respect of village natham lands in favour of the petitioner.

2. Learned counsel for the petitioner would submit that the land under the occupation of the petitioner is classified as grama natham and he is in occupation of the said land. Thus, he is entitled for assignment patta. The revenue authorities considered the petitioner as an encroacher and issued notice under section 7 of the Tamilnadu Land Encroachments Act. After affording opportunity to the petitioner, a final notice under Section 6 was issued. Challenging the said notice, the petitioner preferred an appeal under Section 10 of the Tamilnadu Land Encroachments Act, 1905. The said appeal was disposed of by the District Collector, by proceedings dated 10.07.2023.

3. The contention of the petitioner is that he is residing in the house constructed in grama natham land and therefore, he is entitled for patta. The Tahsildar, had submitted a report endorsing the fact that the petitioner is in occupation of grama natham land and the said report would be sufficient to consider the case of the petitioner for grant of assignment patta. Thus, the



order of the District Collector, is not in firm.

4. Learned counsel appearing for the impleaded respondent would oppose by stating that the petitioner has encroached upon grama natham land obstructing the ingress and egress of the property belonging to the impleaded respondent. He purchased a plot in lay out and the petitioner, by encroaching upon the government land, had put up some construction, thereby, depriving the pathway to the impleaded respondent to reach her property. It is further contended that the petitioner is in possession of adjacent land and patta was granted in the name of his daughter-in-law. That being so, the present writ petition is to be rejected.

5. Learned Additional Government Pleader would submit that the current status report filed by the District Collector, Tiruvannamalai, would be sufficient to establish that the petitioner is not a landless poor person for grant of assignment patta in respect of grama natham lands. Grama natham are regulated by the revenue authorities in terms of RSO 21 and the authorities are empowered to invoke the provisions of the Tamil Nadu Land Encroachments Act to evict the encroachers in gram natham. Thus, there is no infirmity in respect of enforcement action taken. Thus, the present writ petition is liable to be dismissed.

6. Learned counsel for the petitioner would submit that the impleaded petitioner is also an encroacher. If so, the authorities have to ascertain his eligibility for grant of patta and if he is not eligible, he is also liable to be evicted.



7. The District Collector, in his current status report would submit that the land in S.No.56/1 an extent of 0.52.0 hectares classified as cart track was changed to natham and sub divided into S.Nos.56/4 to 56/15 in 2015 based on the proceedings of the District Collector dated 31.03.2015. 12 persons were given free house site patta out of 13 persons. The application submitted by the petitioner was rejected, based on the fact that the petitioner owns land in various survey numbers and therefore, is not eligible to avail free house sites issued to landless poor persons in terms of RSO 21. That apart, the petitioner is seeking house site patta abutting to Banu's land and she has no other alternative way for ingress and egress to the property. The Collector, on perusal of the sketch would submit that the petitioner is causing obstruction to the property owned by the impleaded respondent. The details of the property possessed by the petitioner has been stated in the status report as under:

Sl.No	S.No.	Place	Patta No.	Extent	Patta Stands in the Name of	Classification of land
1.	56/2B,2A	Vasudevanpattu	455	0.01.5	Sundaramoorthy	Dry
2.	40/3B	Vasudevanpattu	127	0.11.5	Sundaramoorthy	Dry
3.	40/3F2	Vasudevanpattu	127	0.45.0	Sundaramoorthy	Dry
4.	40/3G	Vasudevanpattu	127	0.02.0	Sundaramoorthy	Dry
5.	40/1	Vasudevanpattu	127	0.03.5	Sundaramoorthy	Wet
6.	41/2E	Vasudevanpattu	127	0.17.0	Sundaramoorthy	Wet
7.	90/5	Vasudevanpattu	282	0.02.0	1) Gowri W/o Sundaramoorthy 2) Indirani, W/o Raman	Grama natham
8.	90/7	Vasudevanpattu	93	0.01.5	Sundaramoorthy	Grama natham
9.	90/8	Vasudevanpattu	309	0.00.5	1) Raman S/o Mari Chetty	Grama natham



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					2)Sundaramoorthy S/o Ellappan	
10.	90/9	Vasudevanpattu	120	0.01.5	Sundaramoorthy	Grama natham
11.	56/15	Vasudevanpattu	387	0.00.74	Valliyammal W/o Sakthivel (Daughter-in-law of Petitioner	Grama natham

8. This Court is of the considered view that the Government is empowered to regulate grama natham lands in terms of RSO 21. Grama natham lands are meant for construction of dwelling house and to be assigned in favour of the landless poor person in order to protect their livelihood. Persons owning lands are not eligible to seek assignment patta under RSO 21. In the present case, the Collector, during the course of enquiry found that the petitioner is a landlord and owning larger extent of lands. Therefore, he is ineligible to seek assignment patta at free of cost under the Government scheme. This being the factum established, this Court does not find any reason to interfere with the order impugned passed by the District Collector. Consequently, the Writ Petition stands dismissed. The enforcement action already commenced shall be continued and the encroachments shall be removed as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI



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705



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

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