

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2555 of 2013

D.Karuppu Udayar

... Appellant

Vs.

- 1.The Secretary to Government
Revenue Department,
Fort St.George,
Chennai - 9.
- 2.The Special Commissioner and Commissioner
For Land Administration
Ezhilagam
Chepauk,
Chennai - 5.
- 3.The Collector
Namakkal District.
- 4.The District Revenue Officer
Namakkal District.
- 5.The Revenue Divisional Officer
Namakkal District.
- 6.The Tahsildar
Rasipuram Taluk
Namakkal District.
- 7.The President
R.Pudupalayam Panchayat
Rasipuram Taluk, Namakkal District.
- 8.The Junior Engineer
T.N.E.B. Operation and Maintenance
R.Pudupalayam
Rasipuram
Namakkal District.
- 9.The Assistant Executive Engineer
T.W.A.D. Rural Water Supply Scheme
Namakkal.

... Respondents

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 11.09.2012 passed in W.P.No.29427 of 2002.

Prayer in WP.No.29427/2002: filed under Article 226 of the Constitution of India, praying issue a writ of certiorarified mandamus calling for the records of the second respondent proceedings (Appeal) No.T2/18310/2007 dt.26/7/2002 and quash the same and consequently to direct the first respondent to instruct to 6th respondent to accept the double cost for the area of promboke land and Well (20 cents) in Survey.No.18/2 occupied by the petitioner and to assign to land in favour of the petitioner herein.

For Appellant : Mr.V.Perumal
for M/s.T.Dhanyakumar
For Respondent Nos.1 to 6: Mrs.A.Srijayanthi
Special Government Pleader
For Respondent Nos.7 & 9 : No Appearance
For Respondent No.8 : Mr.S.K.Rameshuwar

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The appellant took possession of the Government land and thereafter, made an application to assign the land to him on payment of the double cost taking into account the guideline rate. The writ petition filed by the appellant was dismissed by the learned Single Judge. The order is put in issue in this intra court appeal.

2.We have heard the learned counsel for the appellant. We have also heard the learned Special Government Pleader on behalf of the respondents 1 to 6 and the learned Standing Counsel for the eighth respondent.

3.The appellant is admittedly an encroacher of Government land. The land is classified as Poromboke land. There is no question of extending the equity jurisdiction to an encroacher to assign the Government land purely on the ground that he is in possession. The possession of the appellant is nothing but illegal. The continuous possession of the Government land would not give him any right to claim assignment.

4.We are of the view that the learned Single Judge was correct in dismissing the writ petition filed by the appellant for assigning the Poromboke land on payment.

5.We dismiss this intra court appeal. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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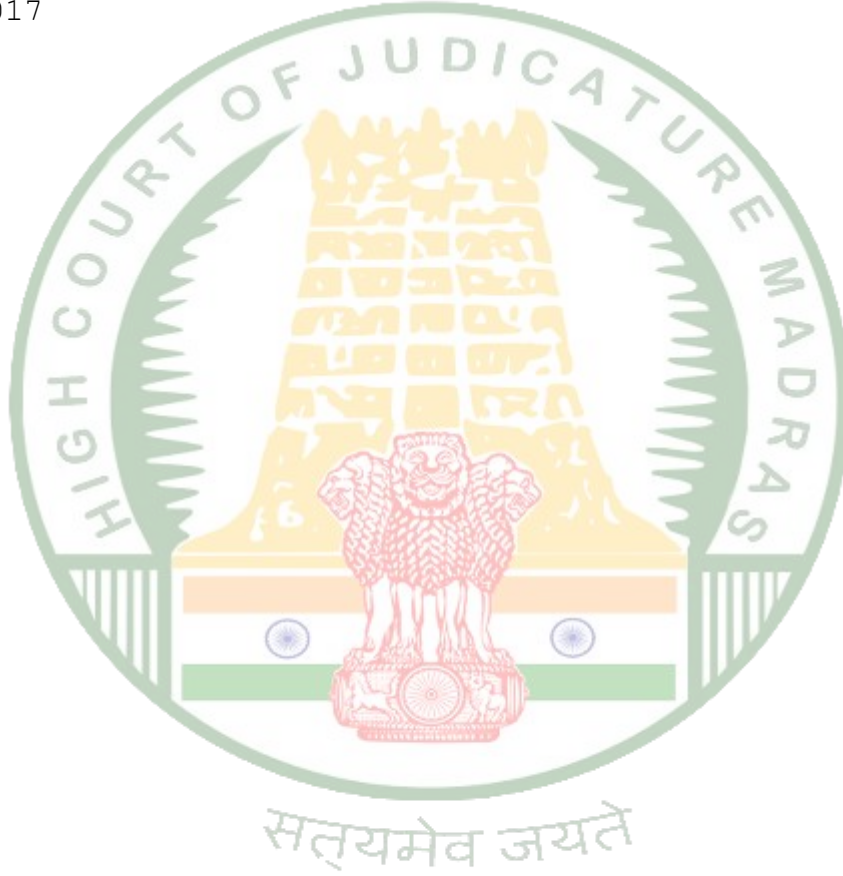
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9.The Assistant Executive Engineer
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Namakkal.

+1cc to M/s.T.Dhanyakumar, Advocate Sr.No.81181
+1cc to Government Pleader Sr.No.81522
+1cc to M/s.S.Thamizharasi, Advocate SR.No.80777

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NRI (CO)
sm:7.12.2017



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