

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5019 of 2014

and M.P.No.1 of 2014

Sellapangi

... Petitioner

vs

1. The District Collector,
Perambalur District,
Perambalur.

2. The Revenue Divisional Officer,
Perambalur District,
Perambalur.

3. The Tahsildar,
Alathur Taluk, Alathur,
Perambalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd respondent dated 08.01.2014 made in Moo.Mu.A5/9209/2013 and to quash the same and consequently direct the 3rd respondent to issue patta in favour of the petitioner relating to the land comprised in Survey No.63/15 and 195/3 situated at Sillakudi North Revenue Village, Alathur Taluk, Perambalur District.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.J.Ramesh
Additional Government Pleader

O R D E R

The relief sought for in this Writ Petition is to quash the order of the 3rd respondent dated 08.01.2014, in relation to the claim of the petitioner for grant of patta in respect of the land comprised in S.No.63/15 and 195/3 situated at Sillakudi North Revenue Village, Alathur Taluk, Perambalur District.

2. The Writ Petitioner claims that she is permanently residing in Methal Village & Post, Kallagam Via., Alathur Taluk, Perambalur District. The Writ Petitioner submitted an application dated 08.01.2014 for grant of patta under the Tamil Nadu Patta Pass Book Act, 1983. An enquiry was conducted by the Tahsildar, Alathur Taluk, and an order was passed on 08.01.2014.

3. On a perusal of the order passed by the Tahsildar, it is stated that the said land is Government Poramboke land and the petitioner is an encroacher. It is further stated that the writ petitioner has encroached the land and she is not residing in that particular land. Contrarily, the petitioner is residing by constructing a house in Natham Taluk in S.No.63/15 and therefore, the application submitted by the writ petitioner for grant of patta cannot be considered.

4. On a perusal of the entire order, it is clear that the writ petitioner is an encroacher and therefore, the patta sought for cannot be granted.

5. This Court is of the opinion that if it is a Government Poramboke land, then the encroachment made has to be cleared. The respondents have to inspect the particular land in question and if the petitioner or any other person has encroached the Government Land, then appropriate action shall be taken for the eviction of such encroachers. It is the duty of the respondent to ensure that the public lands are used for public purposes in order to implement the Government Schemes. Prompt action in respect of encroachments are certainly warranted.

6. In view of the hike in land value, some people are resorting to encroachment. Thus, the officials competent have to be vigilant in respect of the Government lands. Their duty is to preserve and protect the Government land. Any lapse or failure in this regard has to be viewed seriously. The District Collector has to conduct appropriate verification of the Government lands and the subordinate officials, who are violating the Rules/Regulations have to be prosecuted under the Disciplinary and Appeal Rules. Thus, if there is any encroachment, the officials are also to be dealt with under the Disciplinary and Appeal Rules. Allowing encroachment is to be construed as dereliction of duty. Allowing illegal occupation of Government land is to be considered not only as negligent but also wilful act on the part of the Government officials.

7. Thus, this Court is of the considered view that the inspection has to be conducted in this regard and ascertain encroachment and its extent and accordingly proceed with the

provisions of the Encroachment Act for eviction of such illegal occupation made in this regard.

8. In view of the matter, there is no infirmity in the order passed by the 3rd respondent dated 08.01.2014. Therefore, the writ petition is devoid of merits and accordingly, stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Perambalur District,
Perambalur.
2. The Revenue Divisional Officer,
Perambalur District,
Perambalur.
3. The Tahsildar,
Alathur Taluk, Alathur,
Perambalur District.

+1cc to Mr.C.Prabakaran, Advocat Sr.30118
+1cc to the Government Pleader Sr.29993

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