

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P. No.31230 of 2017

B. Venkatesappa

... Petitioner

Versus

1. The District Collector,
Krishnagiri District.
2. District Revenue Officer,
Hosur, Krishnagiri District.
3. The Tahsildar,
Hosur, Krishnagiri District.
4. Sathish ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue writ of Mandamus directing the respondents either jointly or severally to consider the representations made by the petitioner dated 14.03.2017, 17.03.2017, 20.03.2017 and 10.10.2017.

For Petitioner : Ms.R.T. Sundari
For Respondents : Mr. R.S.Selvam
Government Advocate
for RR1 to 3
Mr.R. Bharath Kumar
for R4.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents either jointly or severally to consider the representation made by the writ petitioner on 14.03.2017, 17.03.2017, 20.03.2017 and 10.10.2017 to grant patta.

2. The learned counsel for the writ petitioner states that the writ petitioner has purchased the portion of the land measuring 40 cents in Survey No. 1280/A1, 1280/A3 and S.No.1280/B by way of auction conducted by the Special

Thasildar, Railways. The father of the petitioner was declared as a successful bidder and by paying Rs.400/- to the Special Thasildar, the father acquired the property. Thus, the petitioner is the lawful owner of the property described in the present writ petition.

3. The learned counsel for the petitioner states that the 3rd respondent called for an enquiry on 16.07.1973 and the father of the writ petitioner and two others appeared before the enquiry officer. However, the said land was subsequently declared as poromoboke land. The petitioner questions the classification entered in the revenue records by stating that originally, it was a private land and subsequently the same was re-classified as Government poromoboke land. Thus, the representation submitted by the writ petitioner in this regard is to be considered by the competent authority.

4. The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the land in question is already classified as "Government poromboke" and the writ petitioner is the encroacher. The receipt enclosed in Page No.1 of the Typed set of papers filed along with the writ petition is not a genuine one. There is no official seal or the description is available in respect of the office, which issued the receipt. Thus, such a blanket receipt issued can never be taken as a valid sale consideration for the purpose of declaring that the writ petitioner is the owner of the property. This apart, the writ petitioner has not produced any document to show that the property was auctioned and the father of the writ petitioner was the successful bidder in the auction. In the absence of any proof to that effect, the mere receipt which contains no official seal cannot be trusted by this Court for the purpose of declaring that the writ petitioner is the owner of the property.

5. It is contended that the property is classified as "Pattai Poromoboke" and "Podugal Anathinam land". Thus, the writ petitioner has no right to claim any patta in respect of the land described in the present writ petition.

6. This Court is of an opinion that the respondents 1 to 3 are duty bound to protect the Government poromoboke lands and public properties. All encroachments in the Government lands are to be removed by following the procedures contemplated under the Tamil Nadu Land Encroachment Act. Thus, there cannot be any leniency or misplaced sympathy in respect of encroachments made in Government lands. All such public lands are to be protected and should be made available for the benefit of the public at large. The officials in this regard must be vigilant and protect the Government lands. On account of increasing collusions on the part of the executives in this regard, few

greedy men are in the habit of encroaching the Government lands and utilising the same for their personal benefit. All such encroachments are to be treated as grave offences and the authorities competent are bound to initiate immediate action for the eviction of the encroachers from the Government land.

7. This being the principles to be followed, the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in this writ petition. Even to consider the relief for grant of direction to consider the representation the petitioner has to establish a legal right. In the absence of any such legal right, no direction can be issued. Thus, the writ petition is devoid of merits and stands dismissed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Krishnagiri District.
2. District Revenue Officer,
Hosur, Krishnagiri District.
3. The Tahsildar,
Hosur, Krishnagiri District.

+1 CC to Ms.R.T. Sundari, Advocate sr 62059.

+1 CC to Mr.R. Bharath Kumar, Advocate sr 61623.

+1 CC to Govt. Pleader sr 61798.

सत्यमेव जयते

W.P. No.31230 of 2017

SP(25/09/2018)

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