

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2856 of 2013

And

M.P.No.1 of 2013

T.Paramathma

.. Petitioner

..Vs..

1.The District Collector,
Villupuram District,
Villupuram.

2.The Assistant Director of Panchayats,
Villupuram District,
Villupuram.

3.The Revenue Divisional Officer,
Thirukoilur Taluk,
Villupuram District.

4.The Tahsildar,
Thirukoilur Taluk,
Villupuram District.

5.Mr.Narayanasamy

6.Murugan

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 and consequently resume the portion of the lands of the petitioner in S.No.46, Su.Bilrampattu, Thirukoilur Taluk, Villupuram District from the respondents 5 and 6 in favour of the petitioner.

For Petitioner	:	Mr.J.Ramakrishnan
For Respondents-1to4	:	Mr.A.Ansar, Government Advocate.
For Respondent-5	:	Mr.D.Raja
For Respondent-6	:	Mr.N.Anand

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 and consequently resume the portion of the lands of the writ petitioner in S.No.46, Su.Bilrampattu, Thirukoilur Taluk, Villupuram District from the respondents 5 and 6 in favour of the writ petitioner.

2. The writ petitioner states that he is the resident of Su.Bilrampattu Village. The writ petitioner belongs to a poor family and a land comprised in S.No.46 to an extent of 10.77 acres in the said village is classified as "Grama Natham". Out of 10.77 acres, nearly 2 acres of lands are classified as "Koorai" and "Parai" in the revenue records. The writ petitioner claims that he is in possession and enjoyment of the said portion of the lands and by constructing a hut, he is residing in the said land.

3. The grievance of the writ petitioner is that the respondents 5 and 6 for their personal gains, disturbing the peaceful possession and enjoyment of the property, which is under the possession of the writ petitioner.

4. The respondents 5 and 6 with the help of J.C.B machine had removed the huts belonged to the occupants and also levelled the field, which was used for grazing cattle, pilling of garbage and compound walls.

5. At the outset, the writ petitioner claims that he is in possession and enjoyment of the land, which is classified as "Grama Natham" and therefore, he is entitled to continue the same.

6. The learned Government Advocate, appearing on behalf of the respondents 1 to 4, relying on the counter-affidavit filed by the first respondent, states that Pilrampattu is one of the Village Panchayats in Tirukoilur Block of Villupuram District. The writ petitioner has encroached the Panchayat Grammanatham land for his own use like dumping of garbage, using the land as cattle shed etc., is adjacent to the Over Head Tank, which is supplying the needs of drinking water requirement of the village people. Due to dumping of garbage and excretory wastes such as urine and dung of cattles, the surroundings were polluted and the said place was seen untidy and unhygienic. The people of that village were frequently giving complaints to the President to clean the surroundings by removing the encroachments. There were no inhabitations in the said land as stated by the writ petitioner. The encroached areas

occupied for the purpose of cattle shed and garbage pilling were removed and the land was levelled, so as to utilise the same for the public purposes by the Panchayat President/fifth respondent.

7. Encroachments were removed pursuant to the complaints filed by the village people to maintain the land cleanly, since the writ petitioner and few others were using the said land for dumping of garbage and as a cattle shed. Thus, the writ petitioner has no right over the portion of the property and he is an encroacher.

8. This Court is of an opinion that when the land in question is classified as "Grama Natham", the writ petitioner cannot claim any right over the same and the land was not assigned in favour of the writ petitioner. Thus, the writ petitioner has no right whatsoever to claim any possessory right or otherwise.

9. Mere possession of the Government land will not confer any right on the person to claim assignment or patta. In the present case on hand, the writ petitioner had already been evicted by the Authorities Competent and the land in question is now under the public usage.

10. This being the factum of the case, the writ petitioner has not established any acceptable legal grounds for the purpose of grant of relief, as such, sought for in the present writ petition.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Assistant Director of Panchayats,
Villupuram District,
Villupuram.

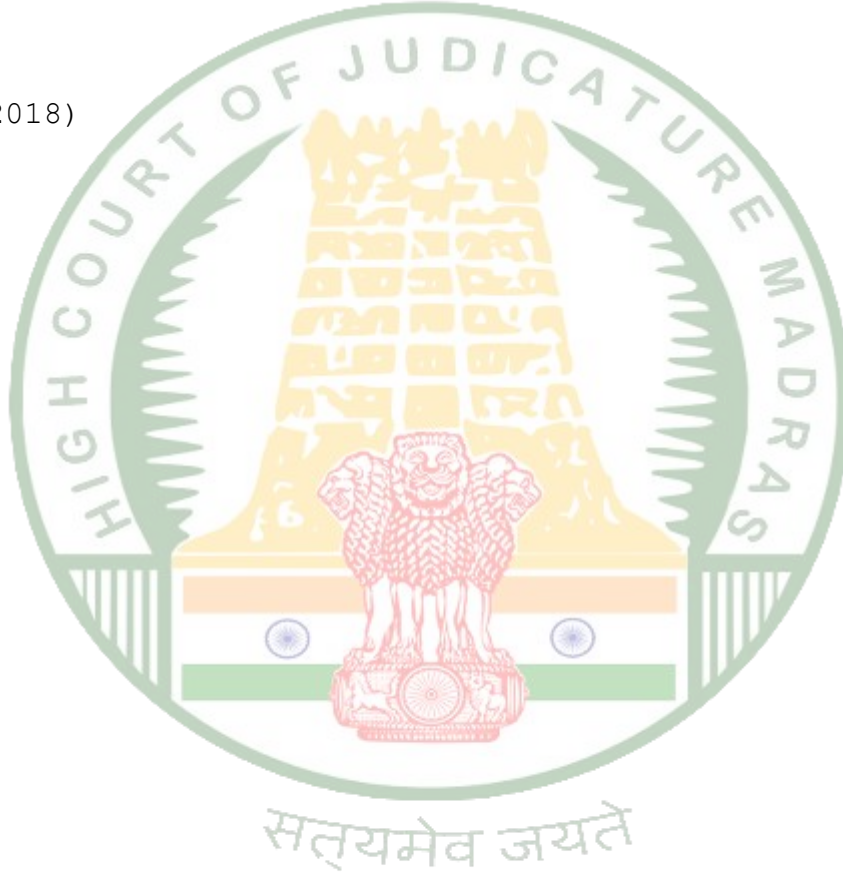
3.The Revenue Divisional Officer,
Thirukoilur Taluk,
Villupuram District.

4.The Tahsildar,
Thirukoilur Taluk,
Villupuram District.

+1cc to the Government Pleader, S.R.No. 73457

WP No.2856 of 2013

SR(CO)
GN(13/11/2018)



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