

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.09.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.18029 of 2014

Ramakrishnan

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The District Revenue Officer,
Krishnagiri District.

3. The Tahsildar,
Taluk Officer, Hosur,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for records of the 1st respondent relating to the impugned proceedings bearing Na.Ka.9802/2011/H2 dated 02.06.2014 quash the same and directing the respondents to issue patta in favour of the petitioner with respect to his lands in S.No. 143 measuring 9.44.0 hectares in Eechangur Village, Hosur Taluk, Krishnagiri District.

For Petitioner : M/s.I.Abrar MD Abdullah

For Respondents : Mr.M.Karthikeyan
Additional Government Pleader

O R D E R

The order of the rejection passed by the respondent in proceeding dated 02.06.2014 in respect of the claim of the writ petitioner for grant of patta, is under challenge in this writ petition.

2. The Learned counsel appearing on behalf of the writ petitioner states that land in S.F.No.143 measuring 9.44.0 hectares situated in Eechangur Village belonged to grand father of the writ petitioner, who purchased the said land vide Document No. 837/1896 registered in the office of the Sub-Registrar, Hosur. The learned counsel appearing for the petitioner states that the petitioner inherited the property from his grandfather and now in possession and enjoyment of the same. The petitioner states that the land in question was erroneously classified as "Parai" and the application submitted

in this regard to challenge the classification has not been considered at all. It is contended that the petitioner submitted an application and subsequently filed W.P. No. 4341 of 2011 and this Court directed the authorities to consider the application and pass orders on merits and in accordance with law through order dated 24.01.2011. Pursuant to the direction given by this Court, the District Collector has conducted an enquiry and passed an order in proceedings dated 02.06.2014, which is impugned in the present Writ Petition. The District Collector in his order has categorically stated that the land in question now under the possession of writ petitioner has been classified as 'Parai' and belongs to Government. Therefore, no patta can be granted in favour of the writ petitioner.

3. The learned Additional Government Pleader appearing on behalf of the respondents relying on the counter has stated that the classification was rightly made in all the Revenue records as "Parai". There was no error in respect of entries in the Revenue register. Pursuant to the order passed by this Court in W.P.No.4341 of 2011, the District Collector conducted an enquiry and on verification of the Revenue records, it was found that in 'A' register, the land premises in Survey No. 143, Eechangur Village, Hosur Taluk, Krishnagiri District, has been classified as unassessed dry land belonging to Government and as "Parai". This apart, sufficient opportunities were provided to seek changes/corrections during UDR scheme and that the petitioner did not approach the authorities concerned with such request at that point of time. Further, it is contended by the respondent that the said land is proposed to be used for public usage in future and because of that, patta cannot be granted in favour of the writ petitioner. The land comprised in S.F.No.143, Eechangur Village, Hosur Taluk, Krishnagiri District are high value property and belonging to the Government. This land is found suitable for public purposes and therefore, the application submitted for grant of patta has been rejected.

4. This Court is of an opinion that the land in question has been classified as Government land as "Parai". Thus, the rejection of patta in favour of writ petitioner has rightly been decided by the District Collector. In respect of the Government land, no patta can be granted in a routine manner. Even in the event of formulating the scheme to grant patta for landless poor people, the schemes should be implemented strictly in accordance with law and as per the terms and conditions stipulated by the Government in the scheme. Thus, the petitioner, if at all, has no other land, he can submit an application under any scheme implemented for grant of free house site patta for landless poor people.

5. As far as the present land in question is concerned, the same has been classified as Government land that as "Parai". Thus, the writ petitioner is not entitled for grant of patta. Further, it is contended that the respondents have proposed to utilise the land for public purposes. It is needless to state that all public lands are to be utilised for the welfare of the public at large and in the interest of public welfare the encroachments in the Government lands are to be evicted by following the procedures contemplated under the provision of the Tamil Nadu Land Encroachment Act, 1905.

6. The District Collector concerned, is bound to conduct periodical review meetings in respect of the encroachments within his jurisdiction and issue suitable orders/instructions to the subordinate officials to identify all such encroachments and evict the encroachers by following the procedures contemplated under the Encroachment Act.

7. Thus, the officials competent have to be vigilant in respect of the Government lands. Their duty is to preserve and protect the Government lands. 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 Discipline and Appeal Rules. Thus, if there is any encroachment, the officials are also to be dealt with under the Discipline and Appeal Rules. Allowing encroachment is to be construed as negligence and 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.

8. Thus, there cannot be any leniency or sympathy in respect of utilizing the Government land for public purposes. It is the constitutional right of every citizen of our great Nation that all the Government lands are to be used for public purposes and welfare of the public at large. Thus, every encroachment has to be construed as grave offence. The District Collector is bound to initiate appropriate action without any further delay and issue suitable orders to all the subordinate officials on identifying the encroachment in his jurisdiction and initiate appropriate action for eviction of all such encroachments of the Government land or water bodies by invoking relevant provision of the Statutes.

9. In this view of the matter, the order impugned passed by the respondent in proceedings dated 02.06.2014 is in accordance with law and there are no infirmities as such.

10. Thus, the Writ Petition is devoid of merits and the same stands dismissed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to M/s.V.Sakkarapani, Advocate SR.NO.61110
+1cc to Government Pleader SR.NO.61286

NRL(CO)
sm:28.9.2018

W.P.No.18029 of 2014

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