

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28-08-2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4986 of 2013

And

M.P.Nos.1 and 2 of 2013

S.Lokeswaran

... Petitioner

..Vs..

The Principal Secretary &
Commissioner of Land
Administration, Ezhilagam,
Chepauk, Chennai - 600 005.

... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ order to call for the records relating to the impugned order passed by the respondent in Vide D.Dis.(K1)/237/2011, dated 02.05.2011 and Quash the same as illegal and consequently directing the respondent herein to issue patta in the name of the Petitioner in respect of land T.S.No.1061, Ward-3, Block-31 measuring an extent of 12805 sq.ft situates at Karaikudi Town, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.M.Venkadeshnan

For Respondent : Mr.D.Raghu
Government Advocate

O R D E R

The relief sought for in this writ petition is to call for the records relating to the order of rejection in proceeding dated 02.05.2011 and direct the respondent to issue patta in the name of the writ petitioner in respect of land in T.S.No.1061, Ward-3, Block-31 measuring an extent of 12805 sq.ft., situates at Karaikudi Town and Taluk, Sivagangai District.

2. The learned counsel appearing for the petitioner stated that the petitioner has purchased the land bearing Survey T.S.No.1061 Ward - 3, Block 31 admeasuring for an extent of 12805 sq.ft situated at Chekkalaikottai, Karaikkudi Town and Taluk, Sivagangai District. The petitioner claims that he purchased the land by executing a registered Sale Deed vide Document No.521/1915. Thereafter, a suit was filed in the Sub-

Court, Devakottai in O.S.No.91 of 1927 for the allotment of the lands among the 'NATTARS'.

3. The writ petitioner narrates the facts by stating that he is the owner of the land, which is described in the present writ petition, he submitted an application for grant of patta and the same was not considered initially by the authorities. Hence, the petitioner filed a writ petition in W.P.No.27178 of 2010 and this Court passed an order dated 26.08.2010, directing the authorities to consider the application and pass appropriate orders. But, in respect of the grant of patta to the writ petitioner, the application submitted by the writ petitioner was considered by the Principle Secretary and Commissioner of Land Administration, Chennai and he passed a detailed order stating that the land in question is classified as Government Poramboke land and thereafter, the same cannot be granted in favour of the writ petitioner. In other words, the patta cannot be granted under the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act SSVI/1948, in view of the fact that the said land is classified as "Government Poramboke Land" in the revenue records.

4. Mr.A.Kamala Kannan, Assistant Commissioner-IV, Land Administration Department, Chennai is present before this Court along with the original files. The Original files now produced before this Court shows that the subject land described in the writ petition in T.S.No.1061, is classified as "Sarkar Poramboke" and same cannot be dealt with otherwise in favour of the writ petitioner. Thus, the patta application submitted by writ petitioner for grant of patta has been rejected.

5. The learned Government Advocate relying upon the classification and original files now presented before this Court states that writ petitioner is not entitled for grant of patta, in view of the fact, the said land belongs to the government.

6. The files, produced before this Court, reveal that the land described in the present writ petition is classified as "Sarkar Poramboke". Thus, the said land is to be utilised for the welfare of the public and in the interest of public administration. Thus, no patta can be granted in favour of the writ petitioner or to any other persons. The Government lands are to be protected and there cannot be any violation or deviation in respect of protection of public lands and the public properties. The respective District Collectors of the concerned Districts, are duty bound to conduct periodical review meetings in respect of the encroachments made in the public lands and appropriate orders and instructions are to be issued to ensure that suitable actions are initiated to evict all such encroachers from the Government lands. In the event of any

negligence or dereliction of duty on the part of the Officials of the various Departments, then the District Collectors have to initiate appropriate disciplinary proceedings under the Discipline and Appeal Rules. It is duty mandatory on the part of the public servants to ensure that the Government lands and the Government properties are protected as per the procedures contemplated under law. If no action has been initiated by such public servants against the encroachments, they are liable for prosecution. It is not, as if, the public servants can witness such encroachments and failed to take action. Their inaction should result in initiation of all further prosecutions and disciplinary actions against such inefficient and inactive public servants.

7. In this view of the matter, the writ petitioner, who is in occupation of the "Sarkar Poromboke Land" is not entitled for any patta under the provisions of the Patta Pass Book Act. Thus, the writ petitioner has not established any legal right, so as to consider the relief, as such, sought for in the present writ petition.

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

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

kkn/rts/Svn

To

The Principal Secretary &
Commissioner of Land
Administration, Ezhilagam,
Chepauk,
Chennai - 600 005.

+1cc to the Government Pleader, S.R.No.59832

W.P.No.4986 of 2013