

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.08.2018

CORAM

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

W.P.No.13734 of 2018

A.Muniappa

.. Petitioner

vs.

1. The District Collector,
Krishnagiri.

2. The District Revenue Officer,
Krishnagiri.

3. The Revenue Divisional Officer,
Hosur, Krishnagiri.

4. The Tahsildar,
Hosur, Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to issue patta in favour the petitioner in Survey No.199 in Badethaepalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Ms. N.Sureka

For Respondents : Mr.R.S.Selvam,
Government Advocate.

O R D E R

The relief sought for in this writ petition is for a direction to direct to the respondents to issue patta in favour of the writ petitioner's property bearing the survey No.199 in Badethaepalli Village, Hosur Taluk, Krishnagiri District.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is in peaceful possession and enjoyment of the property bearing survey No.199 in Badethaepalli Village, Hosur Taluk, Krishnagiri District to an extent of 2 Acres. However, the petitioner even in his affidavit admitted the fact that the land in his

possession is classified as "Kuttai". However, the petitioner claims that he is in continuous possession for many decades and therefore he submitted an application for grant of patta and the same has not been considered. Thus, the petitioner is constrained to move the present writ petition.

3. The learned Government Advocate appearing on behalf of the respondents made a submission that the land in question is a "Kuttai Poramboke" and the writ petitioner is not entitled for patta. Thus, the writ petition is liable to be rejected.

4. This Court is of an opinion that patta cannot be issued in respect of the Government lands. If at all free house site is to be provided to the poor land less people, the Government has to formulate a scheme or policy and such schemes are to be implemented uniformly and without any discrimination. In the absence of any such scheme, the individuals cannot claim patta, based on the possession and enjoyment.

5. The Government officials are bound to protect the Government lands and its property. The encroachments are to be removed promptly and without any leniency. The persons who are all in occupation of the Government lands are to be evicted by following the procedures contemplated under Tamil Nadu Land Encroachment Act, 1905. All such Government lands are to be utilized for public purpose and in the interest of public. Thus, it is duty mandatory on the part of the revenue officials to ensure that all the government lands in their jurisdiction are protected and the encroachers are evicted by following the procedures contemplated under the Act.

5. The first respondent - District Collector, Krishnagiri District is directed to conduct Review meeting in this regard and issue suitable orders to their sub-ordinate officials to initiate appropriate action in respect of the encroachments in public lands. In the event of any failure, collusion, negligence or dereliction on duty on the part of the sub-ordinate officials, the District Collector is bound to initiate appropriate prosecution and disciplinary proceedings against all the officials concerned. Such periodical review meetings are to be conducted to ensure that the public properties are protected by the officials in the manner prescribed. There cannot be any lapse or lacuna in this regard and the District Collector is bound to ensure that such actions are taken without any delay. In this view of the matter the relief as such sought for by the writ petitioner to grant patta cannot be considered at all. Admittedly, the writ petitioner is in possession of the land which is classified as "Kuttai Poramboke" as the petitioner is an encroacher and this Court cannot show any leniency or misplaced sympathy in respect of

such encroacher's. In this view of the matter, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

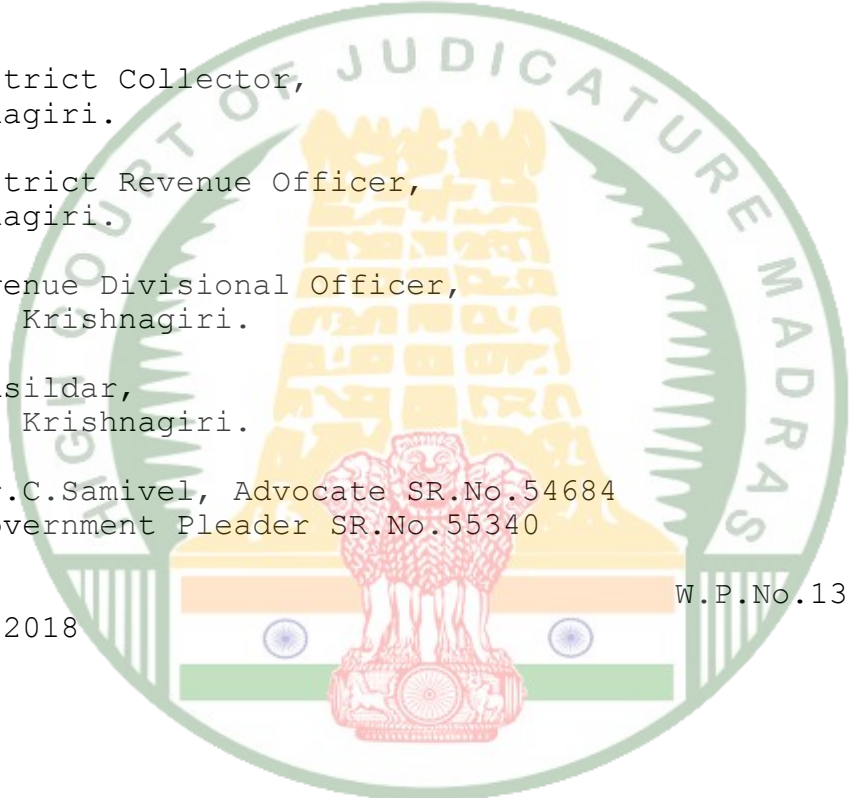
To

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

+1cc to Mr.C.Samivel, Advocate SR.No.54684
+1cc to Government Pleader SR.No.55340

SMI/29.08.2018

W.P.No.13734 of 2018

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The words "HONORABLE COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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