



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32010 of 2014
and
MP.Nos.1 & 2 of 2014

C.Velmurugan

... Petitioner

vs.

1. The Secretary to Government,
Revenue Deptment,
Fort St. George,
Chennai - 600 009.

2. The Collector of Chennai,
'Singaravelar Building',
Rajaji Salai,
Chennai - 600 001.

3. The Tahsildar,
Fort - Thondiarpert Taluk,
Chennai - 600 003.

4. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the respondents 2 and 4 to pass orders to assign the house site to the petitioner in Survey No.3850 and 2860 of Thondiarpert Village, Chennai District in No.1, Ezhil Nagar, 4th Street, Panakkara Nagar, Kodungaiyur and issue patta to the petitioner based upon the representation made by the petitioner on 03.12.2013.

For Petitioner : M/s.C.Ramya Devi

For Respondents : Mr.R.S.Selvam for R1 to R3
Government Advocate

Mr.R.Arunmozhi for R4.



O R D E R

WEB COPY The relief sought for in this writ petition is for direction to direct the respondents 2 and 4 to pass orders to assign the house site to the petitioner in Survey No.3850 and 2860 of Thondiarpet Village, Chennai District in No.1, Ezhil Nagar, 4th Street, Panakkara Nagar, Kodungaiyur and issue patta to the petitioner based upon the representation made by the petitioner on 03.12.2013.

2. The learned counsel for the writ petitioner states that the land in Survey No.3850 and 2860 of Thondiarpet Village was originally classified as "Government Poramboke Land" and declared as "waste land left unoccupied and unutilized by the Government". The writ petitioner is in possession and enjoyment of the said land for more than 20 years, other similarly placed persons are also in occupation of the said land. The learned counsel for the writ petitioner further states that on account of the fact that the writ petitioner is residing in the said government land for the past many years, the benefit of the assignment to be extended in favour of the writ petitioner.

3. The learned Government Advocate opposed the said contention of the learned counsel for the writ petitioner, by stating that the writ petitioner is not in possession and enjoyment of the said land as he was already evicted and entire portion of the land was handed over by the Government to the Slum Clearance Board. Now, the Slum Clearance Board is under possession and enjoyment of the said property and therefore, the relief, as such, sought for by the writ petitioner in this writ petition, cannot be granted.

4. This Court is of an opinion that the land in question is classified as "Government poramboke". Thus, the writ petitioner was an encroacher and he is not entitled for the grant of patta in respect of the land described in the present writ petition. This apart, it is brought to the notice of this Court that the Government has already evicted the encroachers in that area and the said land was handed over to the Slum Clearance Board for developing the property.

5. This being the factum of the case, the writ petitioner has not established any semblance of the legal right, so as to consider the relief, as such, sought for in this writ petition.



6. Accordingly the writ petition stands dismissed. No Costs. Consequently connected miscellaneous petitions are also dismissed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pkn

To

1. The Secretary to Government,
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Chennai.

+1 cc to The Government Pleader, SR.No. 67082

W.P.No.32010 of 2014

NMI (CO)
CSL/23.10.2018