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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29901 of 2014
and M.P.No.1 of 2014

A.Amala Adaikala Mary

...Petitioner

Vs.

- 1.The District Collector,
Ariyalur District, Ariyalur.
- 2.The Tahsildar,
Udayarpalayam Taluk,
Jeyamkondam,
Ariyalur District.
- 3.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Jeyamkondam,
Ariyalur District.
- 4.The District Revenue Officer,
Ariyalur, Ariyalur District.

..Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent vide proceedings Na.Ka.Aa.2/4163/2010 dated 14.05.2012 and confirm the same by the 4th respondent herein vide proceedings No.Na.Ka.Aa.2/7184/2012 dated 03.08.2013 and quash the same and consequently, direct the respondents to issue patta for the 5 cents of land in Survey No.197/22 at North Street, Thennur Village, Udayarpalayam Taluk, Ariyalur District in favour of the petitioner herein.

For Petitioner : Mr.V.K.Rajagopalan

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



O R D E R

The order of rejection passed by the District Revenue Officer in respect of claim of the Writ Petitioner for grant of patta for 9 cents of land which is under her occupation is under challenge in this Writ Petition.

2.The learned counsel for the petitioner states that the husband of the writ petitioner was an ex-service man and they made an application for grant of patta in respect of 9 cents of land in total. The respondents considered the case of the writ petitioner and granted patta for 00060 Sq.Meters in patta No.624, approximately 4 cents of land. The learned counsel for the petitioner states that when the petitioner submitted an application for grant of patta for the entire 9 cents, the authorities have granted patta only in respect of 4 cents. Thus, the petitioner is constrained to move the present Writ Petition.

3.The learned Government Advocate appearing on behalf of the respondents states that land under the occupation of the writ petitioner belongs to Government. Taking note of the fact that the writ petitioner is the wife of an ex-service man, the Government considered her case and granted patta in respect of 4 cents of land. Thus, the writ petitioner has no right to claim further extent of land and the Writ Petition deserves to be rejected.

4.This Court is of an opinion that grant of patta in respect of Government Poramboke land itself is a concession shown by the Government. Concession can never be claimed as a matter of legal right. When the Government had taken a policy decision to grant free land to the landless persons, the same is to be done uniformly and without causing any discrimination. When the respondents have considered the case of the writ petitioner and granted 4 cents of land and patta was granted to that effect, there is no reason to grant any further land in favour of the writ petitioner. There is no end for claiming such Government lands by the individuals, however, it is the duty mandatory on the part of the Government to regulate grant of patta in respect of the welfare schemes. The Government lands are to be utilized for the welfare of the public at large. If all such lands are granted in favour of individuals, in respect of future developments the implementation of welfare schemes will affect the public at large. Thus the Government is duty bound to protect all such Government Poramboke lands for the benefit of the future generation and in the interest of public at large. Thus, grant of patta indiscriminately without ascertaining a policy is certainly impermissible. Under these circumstances,



the very claim of the writ petitioner for grant of patta to the entire extent of 9 cents are not supported by any legal grounds. Thus, the writ petitioner has not established any rights to grant the relief sought for in the present Writ Petition.

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5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Ariyalur District, Ariyalur.
2. The Tahsildar,
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Jeyamkondam,
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3. The Revenue Divisional Officer,
Udayarpalayam Taluk,
Jeyamkondam,
Ariyalur District.
4. The District Revenue Officer,
Ariyalur, Ariyalur District.

+1cc to Mr.V.K.Rajagopalan, Advocate, S.R.No.66525

+1cc to the Government Pleader, S.R.No.67081

W.P.No.29901 of 2014
and M.P.No.1 of 2014

RJ(CO)
GSP(25/10/2018)