

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :18.01.2019

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

W.P.No. 26714 of 2005

Udayakumar

..Petitioner

vs

1. The Sub Collector -cum-
The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

2. The Tahsildar,
Hosur,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarifide mandamus calling for the records relating to the impugned memo issued by 1st respondent in his office Ref.O.Mu.430/04 dated 17.05.2005, quash the same and direct the respondents to issue house site patta in respect of the petitioner's house property situate in Village Natham R.S.No.355-360, Edayanallur Village, Nagondapalli Taraf, Hosur Taluk, Krishnagiri District within the time that may be fixed by this Hon'ble Court.

For Petitioner : Mr. P.Mani
For Respondents : Mr.G. B.Rajesh,
Government Advocate for R1 & R2

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O R D E R

The memo issued by the first respondent in proceedings dated 17.05.2005 informing the writ petitioner that the application submitted by the petitioner for grant of patta cannot be considered. In view of the fact that the land in question is classified as street, which is required for the public usage is under challenge in the present Writ Petition.

2. The learned counsel for the writ petitioner states that the house property situated in Village Natham R.S.No.355-360, Edayanallur Village, Nagondapalli Taraf, Hosur Taluk, Drishnagiri District originally belonged to one Nanjundachar. After the demise of Nanjundachari his wife, Muniamma executed a registered usufructuary mortgage dated 11.08.1939 in favour of N.S.Sithachari son of Veerapathirachari.

3. The petitioner states that he had been requesting the respondents to grant house site patta in respect of his said house property, which is situated in Village Natham. The said property is a private property and therefore, the petitioner is entitled for grant of patta. In this regard, the petitioner sent a representation on 15.06.2004 to the respondent, the said representation has not been considered at all.

4. The learned Government Advocate appearing on behalf of the respondent made a submission that the writ petitioner has submitted an application for grant of patta in respect of the Government property, which is classified as street, in the revenue records. Thus, the authority competent has not considered the application submitted by the writ petitioner for grant of patta. In respect of the street, no patta can be granted. The learned Government Advocate submitted the written instructions sent by the Revenue Inspector, Krishnagiri and the Revenue Records shows that the said portion of the land is classified as street.

5. This Court is of the opinion that no patta can be granted in respect of the land which is classified as street in the revenue records. Streets are to be utilized by the public and the patta, in respect of such Government lands can never be granted by the competent authorities. This apart, the authorities competent are bound to protect all such Government properties, water bodies and water resources. There cannot be any compromise in respect of protecting the Government properties and the authorities competent must be vigilant in respect of encroachment and the encroachments in public properties are to be evicted by following procedure contemplated under the Encroachment Act.

6. In this regard, the Court have passed several orders to evict the encroachers and utilize public property, water bodies and water resources for the welfare of the public and to implement the public schemes in the larger interest. This being the principle to be followed, the memo issued by the first respondent in proceedings dated 17.05.2005 is in accordance with law. There is no infirmity, as such, the respondents are directed to remove

all such encroachments in that locality and protect the Government properties, water bodies and water resources without causing any undue delay and by following the procedures contemplated under the Encroachment Act. With these directions, the Writ Petition stands dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrn/ska

To

1. The Sub Collector -cum-
The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

2. The Tahsildar,
Hosur,
Krishnagiri District.

+1cc to Mr. P.Mani, Advocate SR.No. 33726

+1 CC TO GOVERNMENT PLEADER SR.NO. 4009

W.P.No.26714 of 2005

A.SK(25/02/2019)



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