



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.5045 of 2019

Sivasamy

... Petitioner

-vs-

1.The District Collector,
Pudukkottai District Collectorate Office,
Pudukkottai District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Iluppur Taluk,
Pudukkottai District.

3.The Tahsildar,
The Tahsildar Office,
Ilupput Taluk,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to issue assignment or patta to the petitioner's village landless poor people in S.F.No.471 of Salaipatti Village, Ennai Revenue Village, Iluppur Taluk, Pudukkottai District by considering petitioner's representation dated 12.02.2019.

For Petitioner : Mr.K.Baalasundharam

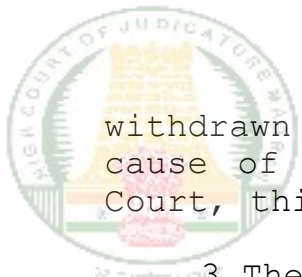
For Respondents : Mr.A.Muthukaruppan

O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]

This writ petition has been filed seeking a direction to the respondents to issue assignment or patta to the petitioner's village landless poor people in S.F.No.471 of Salaipatti Village, Ennai Revenue Village, Iluppur Taluk, Pudukkottai District by considering petitioner's representation dated 12.02.2019.

2.It is not in dispute that the petitioner has earlier filed a writ petition for similar relief and the writ petition was, then,



withdrawn with liberty to file fresh writ petition on the same cause of action. Taking advantage of the liberty given by this Court, this writ petition has been filed.

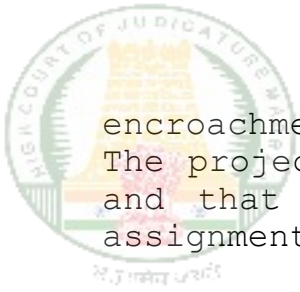
3. The property measuring an extent of 1.25 acres in S.F.No.471 of Salaipatti Village, Ennai Revenue village, Iluppur Taluk, Pudukkottai District is, admittedly, a Government poramboke land. The petitioner states that some 20 families, who are landless poor are living in the said village and that they are socially and economically poor. It is also stated that the Government had earlier constructed a colony for housing about 25 families about 30 years ago and that the said 25 families, who got assignment of free house site patta has now expanded to 70 families. The petitioner further states that an extent of 1.25 acres in S.F.No.471 in Salaipatti village in Ennai revenue village is being enjoyed by the poor people belonging to the village for several years by cultivating the agricultural dry crops like Ragi etc.

4. Since the petitioner and others are enjoying the property for several decades, the contention of the petitioner is that their possession should be regularised by giving them assignment or patta for the lands which are in the enjoyment of the villagers. It is also stated that the respondents have a proposal to put up a construction of godown for the purpose of storing paddy. In fact, it is suggested that the land is sought to be used for the Paddy Procurement Centre of the State. When the same was to take on, the petitioner has come forward with the representation stating that the land should not be used for the purpose of construction of godown.

5. It is in this context, the petitioner states that the petitioner's representation ought to have been considered and the land should not be used for the purpose of construction of godown, but for assigning the lands to the landless poor, who are in enjoyment of the lands.

6. We see no substance in the writ petition or in the submission of the learned counsel appearing for the petitioner. Construction of a godown for the purpose of storage of paddy is for the benefit of public. When a project is proposed keeping in mind the public interest, the petitioner has come forward with the earlier petition, wherein the petitioner wanted free house site patta for the villagers. Since the prayer in the earlier writ petition of the petitioner was different, the said writ petition appears to have been withdrawn. The present writ petition is filed alleging that the petitioner and some of the villagers are doing cultivation and that therefore, their request for assignment or grant of free house site patta should be considered.

7. The fact that the petitioners are in encroachment of Government poramboke land is not in dispute. In such circumstances, the petitioner or any one of the villagers who is in



encroachment, has no vested interest or right to claim assignment. The project of construction of godown is for the benefit of public and that cannot be stalled by the claim of the petitioner for assignment or patta.

8. This Court, in several public interest litigations, has directed the authorities to initiate action under the Land Encroachment Act to remove the encroachment throughout the State without any discrimination. Merely because the petitioner or member of their community is in encroachment of a Government poramboke, that does not confer them any right to stall the project, which is really in the interest of public.

9. In view of the above, this writ petition is dismissed as devoid of any merit. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

1. The District Collector,
Pudukkottai District Collectorate Office,
Pudukkottai District.

2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Iluppur Taluk,
Pudukkottai District.

3. The Tahsildar,
The Tahsildar Office,
Ilupput Taluk,
Pudukkottai District.

+1CC TO MR.K.BAALASUNDHARAM, Advocate Sr. No. 51884

W.P. (MD) No.5045 of 2019
04.03.2019

TR (04.04.2019) 3P 5C