



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23614 of 2019

WEB COPY

- 1.Anitha
- 2.Vijayarani
- 3.Kamalam @ Kamalam Mokka Pandy
- 4.Manikandan
- 5.Preetha
- 6.Veeman @ Veeman Marimuthu
- 7.Krishnaveni
- 8.Shanthi
- 9.Devi
- 10.Amutha

... Petitioners

/Vs./

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Madurai, Madurai District.
- 3.The Tahsildar,
Nagamalai Pudukkottai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue free house site patta to the petitioners in S.No.70 which is Natham Government Prombokku land situated at Thattanur Village, Madurai District.

For Petitioners : Mr.R.Murugappan

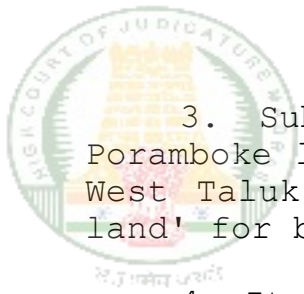
For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.R.Murugappan, learned counsel on behalf of writ petitioners and Mr.K.Mu.Muthu, learned Additional Government Pleader who accepts notice on behalf of all the three (3) respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.



3. Subject matter of instant writ petition is 'Government Poramboke' land comprised in S.No.70 in Thathanur Village in Madurai West Taluk in Madurai District' (hereinafter referred to as 'said land' for brevity).

4. It is the case of the writ petitioners that they have given representation to the first respondent District Collector seeking issue of patta for various extents in said land. Said representation has been made on the ground that writ petitioners do not own lands and that they are economically poor.

5. In the writ petition prayer, though said land has been described as Natham Government Poramboke, learned State counsel on instructions from the official respondent who is present in Court and by adverting to records, submits that said land is Government Poramboke.

6. Be that as it may, writ petitioners are unable to show any scheme or provision which has legal sanctity to demonstrate that the writ petitioners have a right to seek patta qua said land. Therefore, it is clear that the writ petitioners are not able to demonstrate that they have a legal right qua prayer in this matter. In the instant case, principle laid down by Hon'ble Supreme Court in the case of **Praga Tools Corporation vs. Shri C.A.Imanual and others** reported in **AIR 1969 SC 1306** will come into play. Though the writ petition can be dismissed on this short ground, considering the facts and circumstances of this case, this Court deems it appropriate to examine the matter little more.

7. Learned State counsel points out that said land was under encroachment of various persons and proceedings were initiated by this Court for removal of these encroachments. This culminated in 'Crl.O.P.(MD)No.22408 of 2014' (hereinafter referred to as 'said Crl.O.P.' for the sake of brevity) which is pending even as of today.

8. Learned State counsel also drew the attention of this Court to a report submitted by the District Collector, Madurai (fourth respondent in said Crl.O.P., and first respondent in instant writ petition) regarding removal of encroachments. This report filed in said Crl.O.P., is dated 24.09.2015 and relevant paragraph being paragraph No.2 reads as follows:

'2. I most respectfully state that the Petitioner herein who is the Tirupparankundram Block Secretary of the Communist Party of India preferred a complaint dated 26.07.2014 by stating that an extent of 87 acres of land comprising in S.No.70, 37/1, 172 classified as Government Poramboke land and that of the 87 acres, in 20 acres house-site pattas were granted to 594



house-less poor families and the remaining 67 acres were kept intact as Government Poromboke land and that one Dharbar Raja, S/o Nagoor Pitchai residing in Door No.3/672 Adhi Sivan Nagar, Vilacheri Village, Madurai District by a intelligent camouflage prepared bogus seals in the name of the Tahsildar, Madurai South and Revenue Inspector, Nagamalai Pudukottai and by using the said official seals, forged the seal and fabricated bogus house site assignment pattas by using colour Xerox and sold the same to various gullible public thereby enriched himself.'

9. Therefore, it emerges clearly that it is not merely a case of writ petitioners being unable to demonstrate that they have a legal right, it is also a case where said land was under encroachments and the encroachments have since been removed pursuant to orders of this Court. Therefore, this Court has no hesitation in coming to the conclusion that writ petitioners do not have any legal right qua prayer, besides, this writ petition being bereft of merits.

10. Instant Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai, Madurai District.

3.The Tahsildar,
Nagamalai Pudukkottai,
Madurai District.

+1 CC to Spl.GP (SR-97238[F] dated 11/11/2019)

Order made in
W.P(MD)No.23614 of 2019
Dated:08.11.2019