



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01-12-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.29089 and 30788 of 2008
And
MP Nos.1 and 1 of 2008 and 1 and 1 of 2015

E.Sekar	.	Petitioner in WP 29089/2008
Mrs.Nalini	..	Petitioner No.1 in WP 30788/2008
Mrs.Ellammal	..	Petitioner No.2 in WP 30788/2008
Mrs.Radha	..	Petitioner No.3 in WP 30788/2008
Mrs.Ramani	..	Petitioner No.4 in WP 30788/2008
Mrs.Salaja	..	Petitioner No.5 in WP 30788/2008

vs.

The District Collector, Kancheepuram District, Collectorate, Kancheepuram.	..	R-1 in both WPs
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The Thasildar, Chengalpattu Taluk.	..	R-2 in both WPs
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The Project Officer, SIPCOT, Siruseri, Chingleput Taluk, Kancheepuram District.	..	R-3 in WP No.30788/2008
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The Project Officer, Small Industries Corporation (SIDCO), Siruseri, Chingleput Taluk, Kancheepuram District.	..	R-3 in WP No.29089/2008
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The Revenue Inspector,
Kelambakkam,
Chingleput Taluk,
Kancheepuram District. ..

R-4 in both WPs

(R-4 impleaded vide order of
Court made in MP No.2 of 2008 in
WP 29089 of 2008 dated 28.04.2011)

WP No.29089 of 2008 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent dated 05.11.2008 issued under Section 7 of the Tamil Nadu Land Encroachments Act 1905 with regard to petitioner's Grama Natham Land situate in Survey No.40/1, having an extent of 0.76.0 (1.17) acres in 34 Egattur, Chinglepet Taluk, Kancheepuram District and quash the same and further direct the respondents not to interfere in any manner in the aforesaid land.

WP No.30788 of 2008 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the fourth respondent dated 05.11.2008 issued under Section 7 of the Tamil Nadu Land Encroachments Act 1905 with regard to petitioner's Grama Natham Land situate in Survey No.40/1, having an extent of 1.17 (0.76) acres in 34 Egattur, Chinglepet Taluk, Kancheepuram District and quash the same and further direct the respondents not to interfere in any manner in the aforesaid land.

For Petitioner in WP 29089/08
and for petitioners in
WP 30788/08 : Mr.Su.Srinivasan

For Respondents-1,2&4 in : Mr.M.Rajendran,
in both WPs
Additional Government Pleader.

For Respondent-3 in both Wps : Ms.Sudharshana Sundar

C O M M O N O R D E R

The notice issued under Section 7 of the Tamil Nadu Land Encroachments Act, 1905, is under challenge in these writ petitions.

2. The notice impugned states that the petitioners are encroachers of Government land and therefore, an opportunity is provided to appear in person for submitting explanations or to submit written explanations for the purpose of considering the case and continue the process under the provisions of the Tamil



Nadu Land Encroachments Act, 1905. The said notice is under challenge in both the writ petitions. The petitioners though submitted explanations on 24.11.2008, filed these writ petitions challenging the notice itself.

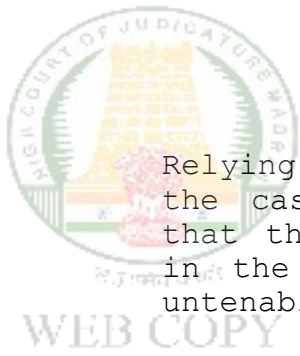
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3. No writ petition needs to be entertained in respect of the show cause notice issued under the provisions of the Tamil Nadu Land Encroachments Act, 1905 as an opportunity is provided. In these cases, the petitioners submit their explanations on 24.11.2008 and however filed writ petitions and the same may be entertained against the show cause notice only if such notice is issued by the incompetent Authority having no jurisdiction by directly hitting the provisions of the Tamil Nadu Land Encroachments Act, 1905 [hereinafter referred to as the 'Act', in short] or if any allegations of mala fides are raised against the Public Officials. Even in case of raising an allegation of mala fide, the Authority against whom such an allegation raised must be impleaded as a party respondent in his personal capacity and in all circumstances, the Noticee is expected to avail the opportunity for the purpose of defending the case. In the abovesaid cases, the petitioners have not waited for the response.

4. The learned counsel for the petitioners on merits contended that the subject property belongs to the petitioners and originally, the property was in occupation of the predecessors for a long period and the petitioners continue to be in possession of the subject property. Thus, the property rights of the petitioners cannot taken away by the respondents by issuing the impugned notice under the Act.

5. The petitioners state that the land in question is classified as 'Grama Natham' and they are in possession of the property for a considerable length of time. Thus, the said land cannot be construed as a 'Government Poramboke Land' and therefore, the initiation of proceedings under the Act is untenable.

6. The learned counsel for the petitioners is of an opinion that 'Grama Natham Lands' do not belong to the Government and it vests with the person, who is in possession. Thus, in these cases, the petitioners are in possession of 'Grama Natham Lands' and therefore, they are entitled to continue their possession in the said subject property. In this regard, the learned counsel for the petitioners relied on the proceedings of the Tahsildar, Chingleput, which was addressed to the District Collector. It is an internal communication between the Tahsildar and the District Collector and the Tahsildar submitted a factual report in respect of the subject property.



Relying on the internal communication relating to the facts of the case, the learned counsel for the petitioners reiterated that the petitioners are entitled to continue their possession in the subject property and therefore, the notice itself is untenable.

7. During the pendency of the present writ petitions, the petitioner filed WP No.8788 of 2009, seeking a direction to exclude the petitioners' land from the portion of G.O.Ms.No.10, Revenue Department dated 03.01.2002, through which the lands would be assigned in favour of SIDCO/SIPCOT for development of an Industrial Area in that locality.

8. This Court passed an order on 17.02.2011 in WP No.8788 of 2009, directing the first respondent to consider the claim of the petitioners and to provide an opportunity, enabling the petitioners to defend their case. The petitioners had already issued with a notice under the provisions of the Land Encroachment Act. The petitioners have submitted their explanations. But, simultaneously approached this Court by way of filing the present writ petitions and obtained an interim order.

9. The learned counsel for the petitioners relied on the judgment in the case of A.K.Thillaivanam and Another vs. The District Collector and Others [1998 (3) LW 603], wherein in paragraphs 22, 23, 27 to 29, this Court observed as under:-

"22. As seen from the portion extracted from the counter affidavit filed by the respondents, it is admitted that the land is a Grama natham and it has been in exclusive possession of the petitioners and their father since 1954.

23. Being a grama natham, it is obvious that the land in question had never vested with the Government. Section 2 of the Land Encroachment Act, 1905 excludes gramanatham owned as house site. As such the provisions of the Land Encroachment Act, 1905 cannot be invoked by the respondents in respect of the land in question.

27. Thus it is obvious, the admitted classification of the land being a gramanatham, the land was never vested with the respondents nor they could take action under the Land Encroachment Act or any other enactment. The petitioners state they have exclusive right, title, possession, since 1954 onwards. The respondents have no right to interfere with the peaceful possession and



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enjoyment of the land and their action in giving a complaint for alleged offence under Section 420 of the I.P.C. is total misconception.

28. Incidentally, the respondents in the counter have stated that it is a village site. Further, it is to be pointed out that even according to the respondent, it is a gramamatham and the respondents never had right nor the gramamatham had ever vested with the respondents. In the circumstances, the petitioner is entitled the relief of Mandamus as prayed for.

29. Normally, this Court should not have gone into the dispute of title or possession. But in the present case, in the counter affidavit filed by the respondents not only the classification as gramamatham but also the exclusive possession since 1954 has been admitted. As such the petitioners have prescribed title to the land and the same cannot be interfered by the respondents either under Land Encroachment Act or under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act."

10. In the case of The Executive Officer, Kadathur vs. V.Swaminathan [2004 (3) CTC 270], wherein in paragraphs 5, 9 to 13, this Court observed as under:-

"5. While dealing with the contentions urged by the learned counsel for the appellant, the matter has to be dealt with in the light of the nature and classification of the land which is under occupation of the petitioners. There is no dispute that the land under occupation of the petitioners is classified as 'Natham' or otherwise called as 'Grama Natham' land and the petitioners were granted pattas as early as in the year 1992 recognising their continued occupation. For the purpose of exercising right as against the petitioners to evict them from the land in question, it has to be decided as to whether the 'Grama Natham' land actually vests either with the Government or the Town Panchayat. As regards the classification of the land as 'Grama Natham', it is not the communal property in the sense in which thrashing floor or burning



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grounds or other property is communal viz., the property reserved for the use of the community. The 'Grama Natham' land, if it is unoccupied, is assigned, from time to time, by the proprietor whether it is in zamindari area or in an inam village; and the said practice was referred to by the learned Judge Wadsworth, J. In Chinnathambi Goundan vs. Venkatasubramania Ayyar, 1936 (49) L.W. 326 as early as on 6.12.1938. The learned Judge while dealing with the vacant house sites, had taken note of the recognised practice of the then Madras Presidency, excluding the areas with a special revenue law such as Malabar, the control of unoccupied village site vests in the proprietor whoever he may be. A further reference is also made therein to the effect that in Zamindari areas, that control is exercised by Zamindar and in a shrotriem village not falling under the Estates Land Act, the village site vests in the shrotriemdar. Even in respect of lands covered under the Madras Estate Land Act, it is held that the Government can exercise its powers only to the limited extent to prevent the diversion of village site poramboke from the purpose for which it has been reserved and it was held therein that the village sites did not actually vest with the Government. The above view was approved subsequently in the decision rendered in Palani Ammal vs. L.Sethurama Aiyangar [1949 (1) MLJ 290].

9. A perusal of a combined reading of Section 3(b) and Section 18 of Madras Estates (Abolition and Conversion into Ryotwari) Act viz., Madras Act XXVI of 1948 and Section 2 of the Madras Land Encroachment Act, 1905 discloses that the title to a house site in a Grama Natham is protected from transfer to Government.

10. We draw inference for the above view from the decision rendered by this Court in S.Rangaraja Iyengar vs. Achi Kannu Ammal, 1959 (2) MLJ 513 : 1959 (72) L.W. 767. A similar view is expressed by the Apex Court in its decision rendered in C.V.Subbaya vs. P.Anjayya, AIR 1972 SC 1421, while referring to Section 3(b) of the



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Madras Act XXVI of 1948, it is held therein that the communal lands, poramboke, other ryotwari lands, waste lands, forests, mines and minerals, quarries, rivers and streams tanks and irrigation works etc., vest with the Government other than the land classified as 'Grama Natham'. This Court in its decision rendered in N.S.Kuppuswamy Odayar vs. Narthangudi Panchayat, 1971 MLJ Reports 190 has held that the classification of 'Natham Poramboke' and the description of 'Poramboke' in the settlement register will not, by itself, establish title of the Government to the land in question.

11. Similarly, this Court in Thillaivanam, A.K. and another vs. District Collector, Chengai Anna District and 3 Others, 1998 (3) L.W. 603 and in Krishnamurthy Gounder vs. Government of Tamil Nadu, 2002 (3) CTC 221 held that the house sites classified as 'Grama Natham' cannot be construed as vesting with the Government.

12. Further, 'Grama Natham' is defined in the Law Lexicon as "ground set apart on which the house of village may be built". Similarly, Natham land is described in Tamil lexicon published under the authority of University of Madras to the effect that it is a residential portion of a village; or portion of a village inhabited by the non-Brahmins; or land reserved as house sites; etc.

13. In the light of the above and in view of the fact that the admitted classification of the land being a 'Grama Natham', it is obvious that the land was never vested with the Government or the Town Panchayat. Inasmuch as the petitioners and their ancestors were in exclusive possession of the lands in question for the past 40 years, the impugned order of the third respondent in cancelling the pattas with a view to evict them summarily at the instance of the resolution passed by the Panchayat is not sustainable. Further such a summary eviction is not permissible in law when the disputed question of title is involved for



11. In the case of R.Munisamy vs. The District Collector [2007 Writ LR 804], wherein in paragraph-6, this Court observed as under:-

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circumstances, the said submission cannot also be considered for taking a different view in these writ petitions."

12. In the case of K.Ilangovan vs. The District Collector and Others [2014 (1) LW 430], wherein in paragraphs 7 to 10, this Court observed as under:-

"7. The petitioner and his brothers are in possession and enjoyment of 1.38 acres of land at Survey No. 1007/1, 1007/2, 1007/3 and 1008/1 in Kannamanaickanur village, Marulpatty, Udumalpet Taluk, which is claimed to be "grama natham". Such claim of the petitioner over the classification of the land in dispute is not denied or disputed by the respondents and on the other hand, their counter affidavit also admits that the land in dispute is a natham poramboke land. Their only contention in the counter affidavit is that such land is meant for houseless poor and agricultural labourers for constructing houses which has been illegally encroached upon by the petitioner and his brothers. Once it is admitted that it is a grama natham or natham poramboke, whether the respondents have got any right to proceed against the petitioner in respect of such lands, is a question that came up for consideration before this court as early as in the year 1959 wherein this Court in a decision reported in (1959) 72 L.W. 769 : 1959 (2) MLJR 513, S. Rengaraja Iyengar v. Achikannu Ammal, has held that 'the title to a house site in grama natham is protected from transfer to the Government by operation of Madras Act 3 of 1905'. Subsequently in another decision reported in 1998 (3) L.W 603, A.K. Thillaivanam v. The District Collector, Chengai Anna District, a learned single Judge of this Court has observed at paragraph No. 19 as follows:

"19...The Village Natham is a land which never vested with the respondents and they have no right to it. Admittedly, when the land has been classified as village Natham, it is obvious that no portion of the land vests with the respondents. The admitted classification is village Natham and merely because the



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petitioners have converted the same into agricultural lands, no right could accrue to the respondents even after conversion."

The learned Single Judge has elaborately discussed the status of the land and the right of the Government and thereafter, came to the conclusion that the village natham land never vest with the Government."

8. In another decision of the Division Bench of this Court reported in 2004-3-L.W. 278 : 2004 (3) CTC 270, The Executive Officer, Kadathur Town Panchayat v. V. Swaminathan, such view of the learned Single Judge was once again approved at paragraph Nos. 11, 12 and 13 as follows:

"11. Similarly, this Court in Thillaivanam, A.K. v. District Collector, Chengai Anna District, 1998 (3) L.W. 603 and in Krishnamurthy Gounder v. Government of Tamil Nadu, 2002 (3) CTC 221 held that the house sites classified as 'Grama Natham' cannot be construed as vesting with the Government.

12. Further 'Grama Natham' is defined in the Law Lexicon as "ground set apart on which the house of village may be built". Similarly, Natham land is described in Tamil lexicon published under the authority of University of Madras to the effect that it is a residential portion of a village; or portion of a village inhabited by the non-Brahmins; or land reserved as house sites; etc.

13. In the light of the above and in view of the fact that the admitted classification of the land being a 'Grama Natham', it is obvious that the land was never vested with the Government or the Town Panchayat. Inasmuch as the petitioners and their ancestors were in exclusive possession of the lands in question for the past 40 years, the impugned order of the third



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respondent in cancelling the pattas with a view to evict them summarily at the instance of the resolution passed by the Panchayat is not sustainable. Further such a summary eviction is not permissible in law when the disputed question of title is involved for adjudications as laid down by the Apex Court in number of decisions."

9. In a recent decision of a learned single Judge of this Court reported in 2012 (2) CTC 315, State of Tamilnadu, rep. By the Collector, Virudhunagar v. Madasami, the nomenclature of the land was considered and found at paragraph No. 14 as follows:

"14. The factual aspects discussed and found by both the Courts below in respect of the nature of the property viz., Gramanatham is not denied by the Appellant. Supporting the same, the learned Government Pleader (CS) would submit in his argument that the property was classified as Gramanatham in the settlement register of the year 1923 and the property being a Gramanatham, the Government alone be the owner of the property. If, the argument of the learned Additional Government Pleader (CS) is accepted, the Suit filed by the plaintiffs would have no legs to stand and the Appeal should have been consequently allowed. For deciding such crux, we must firstly consider the character and qualities of a land classified under 'Gramanatham'. There is no dispute that wherever the lands classified as Natham or Natham Poramboke or Gramanatham are only meant a Gramanatham. The Gramanatham lands were classified and allotted for village people to use them as house sites or for any other purposes for storing his hay and manure or as a smithy or as a brick-klin or as a place for weaving, etc."



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Thus, from the above decision, it could be seen that the lands whether are classified as natham poramboke or grama natham, they are only meant to be classified as grama natham alone.

10. Considering all these decisions of this Court and by considering the admitted factual position with regard to the classification of the land as grama natham, I am of the view that the respondents have got no right to interfere with the peaceful possession and enjoyment of the land which is in occupation of the petitioner at S. No. 1007/1, 1007/2, 1007/3 and 1008/1 in Kannamanaickanur village, Marulpatty, Udumalpet Taluk, Coimbatore District. The respondents have not stated in their counter that they are not trying to interfere with the possession of the petitioner's enjoyment and on the other hand, it is their case that the petitioner has encroached upon the lands, which is meant for granting patta to houseless poor and agricultural labourer. Only when the respondents are having any right over the land, they can take action against the petitioner to evict and to grant patta in respect of the said land to the houseless poor or agricultural labourer. When they do not have any right over the land as held by this court in the decisions as referred to supra, in my considered view, the respondents cannot interfere with the petitioner's peaceful possession and enjoyment of the land. Accordingly, I find the petitioner is entitled to succeed in this writ petition. Consequently, the writ petition is allowed. No costs. The connected miscellaneous petitions are closed."

13. In the case of N.G.Govindan vs. The State Represented by The Secretary, PWD [pronounced on 26.11.2018 in WA(MD) No.320 of 2015], wherein the Madurai Bench of this Court, in paragraphs 8, 9 and 11, observed as under:-

"8. The learned Counsel for the appellant relied upon yet another judgment of this Court in the case of K.Ilangovan vs The District Collector, Coimbatore and others, reported in 2014-1- LW-430. This Court after referring to several precedents, has held that the land which is classified as gramamatham is



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essentially a residential portion of a village and that a person, who is in occupation of the lands is considered to be owner of such piece of land. It has been held by this Court in several cases that the Government cannot claim right over the lands, which were classified as gramamatham as the said land does not vest with the Government under any of the enactments.

9. The learned Counsel for the appellant further relied upon a judgment of this Court in the case of Muthammal (Died) and others vs State of Tamilnadu and another, reported in (2006) 3 MLJ 216, wherein, this Court has held as follows:

"8. Learned Senior Counsel also clarified that in Natham, first occupier will be treated as the owner and no patta will be given to them. Patta is issued only for assessed lands and it is the settled law. That is why, Natham is called as Poramboke i.e., "natham poramboke" which means "poram" is outside; "poke" is revenue record. Thus the word "poramboke lands" means the lands which is not assessed to revenue records and it is outside the revenue accounts. Likewise, "gramanatham" is defined in the Law Lexicon as "ground set apart on which the house of village may be built". Similarly, Natham land is described in Tamil lexicon published under the authority of University of Madras to the effect that it is a residential portion of a village; or portion of a village inhabited by the non brahmins; or land reserved as house sites; etc., Learned senior counsel also relied on very many decisions of this High Court as well as the Apex Court to the effect that Poramboke does not include natham and grama natham never vest with the Government, which will be referred to in the latter part of this judgment."

11. The learned Counsel for the



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appellant further relied upon yet another judgment of this Court in the case of K.Subban Pagadai vs S.Subban Pagadai and another, reported in (2002) 2 MLJ 636, wherein, it has been held that the land classified as gramathanam does not vest with the Government and the title of the same is not transferred to the Government. In the said judgment, the learned Single Judge of this Court has followed the earlier judgment of this Court in the case of S.Rengaraja Iyengar vs Achikannu Ammal, reported in (1959) 2 MLJ 513, wherein also, it has been held that the land which was classified as gramathanam does not vest with the Government and the title of the same is not transferred to the Government."

14. The learned counsel for the petitioners is of an opinion that the subject property is also classified as 'Grama Natham' and therefore, the issuance of notice under the Act is unsustainable.

15. The learned counsel appearing on behalf of the third respondent-SIDCO/SIPCOT, objected the contentions raised on behalf of the petitioners, by stating that entry in the 'A' Register maintained by the Revenue Department, the subject land was classified as 'Village Site' and the names of the petitioners are not found in the said 'A' Register. Thus, the petitioners cannot claim any right even in respect of the land, which is classified as 'Grama Natham'.

16. In the present cases, no doubt, even 'Grama Natham Lands' in villages belong to the Government and the said lands are not assigned in favour of any third person and it is assigned for the first time in favour of the SIDCO/SIPCOT and therefore, the petitioners cannot claim any right over the property, as their names are not found in the 'A' Register maintained by the Revenue Department.

17. The learned counsel for the third respondent further contended that the subject land was assigned in favour of SIDCO/SIPCOT in G.O.Ms.No.10, Revenue Department, dated 03.01.2002 and in view of the pendency of these writ petitions for more than 13 years, the SIDCO/ SIPCOT is unable to develop the property for the purpose of industrial developments.

18. The petitioners have not established their right in respect of any assignments made in their favour and the Settlement Deed cannot be relied upon, as it is created between the parties. In the absence of establishing any right with



reference to the revenue records and or assignment order by the Government or otherwise, the petitioners are to be treated as encroachers and therefore, notice issued to provide an opportunity to the petitioners is in accordance with the provisions of the Act and no infirmity as such. Thus, the writ petitions are to be rejected.

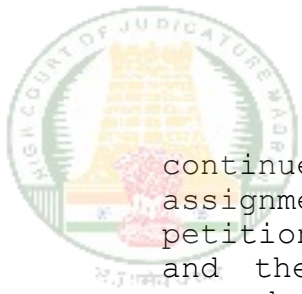
19. The learned Additional Government Pleader, appearing on behalf of respondents 1, 2 and 4 reiterated by stating that the notice was issued pursuant to the orders passed by this Court in WP No.14269 of 2008, wherein a complaint was made by the petitioners that the due process of law was not followed. Thus, in compliance of the principles of natural justice and by following the procedures contemplated under the Act, the notice under Section 7 of the Act, was issued enabling the petitioners to avail the opportunity and to defend their case. Though the petitioners have filed their explanations, they have not waited for the decision to be taken by the Competent Authorities and filed these writ petitions and got the order of interim injunction and therefore, all further actions are stalled.

20. The learned Additional Government Pleader contended that the unauthorised occupation of 'Grama Nathams' will be treated as encroachments. The impugned notice was issued in accordance with law. The land referred to be 'Poramboke Land' belongs to the Government. Thus, the provisions of the Act will be applicable for the purpose of evicting the encroachers of 'Government Lands'. In these cases, no assignment or patta was granted in favour of the petitioners. Therefore, they cannot be construed as persons, who all are in legal possession of the subject property and therefore, they are encroachers and liable to be evicted under the provisions of the Act.

21. Considering the arguments as advanced by the respective learned counsel appearing on behalf of the parties to the lis, this Court is of the considered opinion that the petitioners claim rights as they are in possession. It is contended that their predecessors were in possession for long years and the said subject property is classified as 'Grama Natham'.

22. The judgments relied upon by the learned counsel for the petitioners to establish that 'Grama Natham Lands' do not belong to Government and it vests with the persons, who all are in possession and thus the notice issued under Section 7 of the Act, is to be set aside.

23. Per contra, the respondents raised an objection by stating that the petitioners are not authorised persons to



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continue their possession of the subject property as there is no assignment or patta granted in their favour and thus the petitioners are to be construed as encroachers for all purposes and therefore, the initiation of action for eviction is in accordance with the provisions of the Act and there is no infirmity as such.

24. This Court is of the considered opinion that even in case of lands, which all are classified as 'Grama Nathams', the right of property cannot be assumed or transferred automatically and more specifically, in the absence of assignment or patta, which is to be granted in accordance with law. It is not as if the persons, who all are squatting the 'Grama Natham Land' is allowed to claim right or title over such property.

25. In Common Parlance, the lands classified as 'Grama Nathams' belongs to the Government. It is not as if such 'Grama Natham Lands' can be squatted by any citizen and claim right over such property. If such practices are allowed, then it will create a wrong mindset amongst the people for committing an illegal act of encroachments or taking possession of such 'Grama Natham Lands'. Thus, every property right is to be established by way of documents or evidences.

26. Admittedly, the subject land was assigned in favour of SIPCOT. However, the petitioner claims right only based on the possession for longer period. But, no assignment or patta was issued in favour of the petitioners. Thus, the petitioners have no right to claim ownership in respect of the land belongs to the Government. The State Government is formulating schemes for the purpose of allotment of 'Government Poramboke Lands', 'Grama Natham Lands' etc., in favour of landless poor people. No doubt, such schemes are to be implemented in favour of the landless poor and down trodden people through Adi Dravidar and Tribal Welfare Department or Tamil Nadu Urban Habitat Development Board and the assignment or patta is to be granted only to the eligible persons in accordance with the terms and conditions of the welfare schemes.

27. We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens: justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation.

28. As resolved by We, the people of India, it is our duty to thrive hard to minimize the economic indifferences between the citizens and such economic upliftments are enumerated under



the Directive principles also. Therefore, the economic status of a person and other criterias to be fixed by the Government must be scrupulously followed, while assigning the Government lands in favour of individuals. Thus, persons, who are in possession, cannot claim right of title or ownership in the absence of valid documents.

29. 'Grama Natham Lands' are assigned by the Government in favour of eligible poor persons in order to achieve the constitutional goals of social justice. Such Government lands are assigned to poor and down trodden people. However, citizen having sufficient means or possessing properties, can never be assigned with such Government lands or 'Grama Natham Lands' for their unjust gains, which is in violation of the Constitutional principles of equality and social justice. Thus, assignments or grant of patta in respect of 'Grama Natham Lands', 'Government Poramboke Lands' etc., must be granted by the Government of the day in a judicious manner to uphold the constitutional principles and not otherwise.

30. In the present cases, the petitioners claim that the subject property of the land is classified as 'Grama Natham'. The Report submitted by the Tahsildar to the District Collector is relied upon to establish that these lands are 'Grama Natham Lands' and the respondents say that it is classified as 'Village Site' and the names of the petitioners are not found in the 'A' Register maintained by the Revenue Department. Further, the lands were assigned in favour of SIDCO/SIPCOT as per G.O.Ms.No.10, Revenue Department, dated 03.01.2002. The respondents have further referred paragraph-7 of Revenue Standing Order (RSO) 21(ii) wherein it is stated that an order by the Tahsildar himself is Appendix XIX or XX, as the case may be, issued for all sites assigned under this Section. In the instant cases, the petitioners have not received the order from the Tahsildar in Appendix XI or XX, as the case may be, treated as 'Grama Natham Poramboke' until they get the order under this Section. The petitioners are not possessing any documents in respect of the subject land properties in Survey No.40/1, though they are in possession of the land, the Settlement Deed created in the year 2001, cannot be relied upon for the purpose of conferring any right as it was between the Private Parties.

31. Mere electricity supply connection or bill, would not confer any right of property. Admittedly, the petitioners do not possess a valid document to establish their title or ownership. Thus, unauthorised occupation or possession of 'Grama Natham Lands' are also to be construed as encroachment. Therefore, all such encroachments are to be removed by following the procedures as contemplated under the provisions of the Tamil Nadu Land Encroachment Act, 1905.



32. With reference to the judgments relied upon by the learned counsel for the petitioners, no doubt, 'Grama Natham Lands' are assigned to the people, who all are in possession for long years, considering various factors. However, such assignments must be made considering the eligibility to get Government lands at free of cost. Under these circumstances, each case is to be considered based on its own facts and circumstances. It is not as if the Courts have upheld the assignment of 'Grama Natham Lands' and therefore, all such persons, who all are in possession of 'Grama Natham Lands' must be conferred with the property right. Such a proposition is not contemplated by the Courts. In the event of considering the claim of the persons merely on the ground of possession, then the same will result in disastrous consequences as greedy men and many other people will enter into possession of such Government lands and 'Grama Natham Lands' and claim property right. It will create lawlessness in dealing with the Government Poramboke properties and 'Grama Natham Lands'. Thus, every Government land or 'Grama Natham Land' belongs to the Government must be dealt with in accordance with law and therefore, merely based on the possession, no one can claim title or ownership in respect of Government lands including 'Grama Natham Lands'.

33. In a growing population in our Great Nation, the property values are exorbitantly increased and still going upwards. Greedy men and anti-social elements are going on committing property related crimes by manipulating the documents in a fraudulent way for unjust gains. When such property related offences are increasing day-by-day, the Government are expected to be vigilant and protect the Government properties for the benefit of the public at large. All such public properties are to be utilized for implementation of developmental schemes for the benefit of the people.

34. In view of the facts and circumstances, the petitioners could not able to establish their right in respect of the Government lands, which is classified as "Grama Natham". Per contra, the respondents 1 and 2 have established that the land classified as "Village Site" and the names of the petitioners are not found in the 'A' Register maintained by the Revenue Department. This apart, the said land was already assigned in favour of the SIPCOT for development of Industrial area in G.O.Ms.No.10, Revenue Department, dated 03.01.2002. Thus, persons, who are in possession and not conferred with any right by the Government by way of an assignment or otherwise cannot claim right over the 'Grama Natham Lands' and all those persons are to be treated as encroachers and consequently, they are liable to be evicted by following the procedures as contemplated under the provisions of the Land Encroachment Act.



35. The Government issued G.O.Ms.No.10, Revenue Department, dated 03.01.2002, assigning the lands to the SIPCOT. The petitioners filed the present writ petition in the year 2008. Pursuant to the interim order granted by this Court, the petitioners are in continuous possession for more than 11 years. The petitioners have enough enjoyed the subject property with the benefit of the interim order granted by this Court. The impugned eviction notice under Section 7 of the Act was issued in the year 2008 itself.

36. This being the factum, this Court is of the considered opinion that the petitioners are not entitled to continue in the Government property as they are encroachers. Accordingly, the respondents are directed to complete the eviction proceedings and take over the possession of the property and handover the same to the SIPCOT for development of Industrial area for the benefit of the people at large and for the development of our great Nation within a period of four weeks from the date of receipt of a copy of this order. Consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn/kak
To

- 1.The District Collector,
Kancheepuram District,
Collectorate,
Kancheepuram.
- 2.The Thasildar,
Chengalpattu Taluk.
- 3.The Project Officer,
SIPCOT, Siruseri,
Chingleput Taluk,
Kancheepuram District.
- 4.The Project Officer,
Small Industries Corporation (SIDCO),
Siruseri, Chingleput Taluk,
Kancheepuram District.



5.The Revenue Inspector,
Kelambakkam,
Chingleput Taluk,
Kancheepuram District.

WEB COPY

+1 cc to Ms.Sudharshana Sundar, Advocate Sr.NO. 63077

+1 cc to Government Pleader Sr.NO. 63461,63462

WPs 29089 and
30788 of 2008

KSM(CO)

A.SK(13.12.2021)