



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.20542 of 2013
and M.P.No. 1 of 2013

1. Murugan
2. Anbumani
3. Vasanthi
4. Sambooranam
5. Gayathri
6. M.Panjavarnam
7. Yamunadevi
8. Chandra

... Petitioners

-Vs-

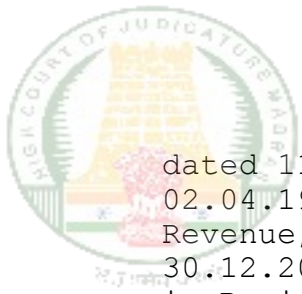
1. The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai - 600 009.
2. The District Collector,
Erode District - 638 601.
3. The Tahsildar,
Erode Taluk,
Erode.
4. The Executive Engineer,
Public Works Department,
LBP Canals,
Konavaikkal, Erode District.

5. Nallamuthu

... Respondents

(R5 - Impleaded as per order dated
26.11.2013 by KKSJ in M.P.No.2/13
in W.P.No.20542 of 2013)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondent, Tahsildar, Erode to grant patta to the lands in S.F.No.178, 190, 191/2, Veerapanchathiram Village, Erode in accordance with the Government Orders 1) G.O.Ms.No. 1657, Revenue A1 Department



dated 11.12.1991, 2) G.O.Ms.No.275, Revenue Department dated 02.04.1994, 3) G.O.Ms.No.168 dated 27.3.2000, 4) G.O.Ms.No.75, Revenue, dated 5.2.2000 and 5) G.O.Ms.No.854, Revenue, dated 30.12.2006 and in accordance with the undertaking given by them in Review Petition 55/2005 in W.P.No.3095/2005 by order dated 12.09.2005.

For Petitioners : Mrs.P.Bagyalakshmi

For Respondents : Mr.N. Inbanathan,
Additional Government Pleader
for R1 to R4

O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondent, Tahsildar, Erode to grant patta to the lands in S.F.No.178, 190, 191/2, Veerapanchathiram Village, Erode in accordance with the Government Orders 1) G.O.Ms.No.1657, Revenue A1 Department dated 11.12.1991, 2) G.O.Ms.No.275, Revenue Department dated 02.04.1994, 3) G.O.Ms.No.168 dated 27.3.2000, 4) G.O.Ms.No.75, Revenue, dated 5.2.2000 and 5) G.O.Ms.No.854, Revenue, dated 30.12.2006 and in accordance with the undertaking given by them in Review Petition 55/2005 in W.P.No.3095/2005 by order dated 12.09.2005.

2. The case of the petitioners is that, they had been residing after constructing houses at S.F.Nos.178, 190, 191/2, Veerapanchathiram Village, Erode, which is admittedly a Government Poramboke land, for more than 20 years. While so, on 13.10.2007, since the said land is a water catchment area belonging to the Public Works Department, these people were evicted with an assurance that they will be provided alternative site. Despite such undertaking, as claimed by the petitioners, they have not been so far given alternative site, even though similarly placed persons have been given such alternative site.

3. In this regard, the learned counsel for the petitioners would rely upon some documents, where the respondents / Government has come forward to provide alternative site to similarly placed persons like the petitioners, and submits that, such kind of gesture has not been shown to the petitioners. Therefore, in order to get alternative site by issuance of patta in the nearby available Government Poramboke land, the petitioners have already given a representation dated 05.06.2013 to the second respondent. However, the said representation since has not been considered and no positive orders have been passed so far, the petitioners have approached this Court with the aforesaid prayer.



4. Reiterating the aforesaid facts, the learned counsel for the petitioners would submit that, if a direction is given to the respondents to consider the representation submitted by the petitioners dated 05.06.2013 on merits and in accordance with law after giving an opportunity of being heard to the petitioners, the petitioners would be in a position to put forth their case by placing all the relevant documents to establish their case that the respondents have given assurance that alternative site would be provided to the petitioners as provided to the similarly placed persons, and in that case the petitioners would be satisfied.

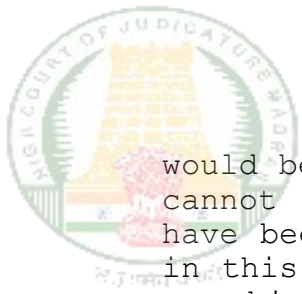
5. Heard Mr.N.Inbanathan, learned Additional Government Pleader who would submit that, since the land in question, from where the petitioners were evicted, admittedly is not a private land or patta land, but is a Government Poramboke land. Moreover, it is a water catchment area and the petitioners have no right whatsoever to retain that place and therefore they have been evicted.

6. However, the learned Additional Government Pleader would submit that, depending upon the policy of the Government which has been made to be known to the Public by issuance of several Government Orders in this regard and by taking into account the availability of the Poramboke land in the nearby locality, whether the petitioners can be given alternative site or not would be decided by the Revenue authorities and in this regard the representation submitted by the petitioners dated 05.06.2013 would be considered on merits and in accordance with law after giving opportunity of being heard to the petitioners and the same would be decided within a time frame that may be stipulated by this Court.

7. I have considered the submissions made by the learned counsel for the petitioners as well as the learned Additional Government Pleader and also perused the materials placed on record.

8. Since admittedly the petitioners had been residing in the Government Poramboke land, which is a water catchment area, belonging to the Public Works Department, though they claim to be there for two decades, they had been evicted in October 2007. However, at the time of eviction, it is the case of the petitioners that, they have been given assurance that they would be given alternative site and in this regard they have given a representation dated 05.06.2013, which has not been considered by the Revenue authorities / Government.

9. Whatever be the claim of the petitioners, whether they



would be entitled to get alternative site, as a matter of right, cannot be decided by this Court and if at all the petitioners have been assured by any Government Orders or proceedings issued in this regard that, they would be given alternative site, based on which a pragmatic view can be taken by the respondents by taking into consideration the poor economic status of these petitioners and accordingly a decision can be taken by the respondents with regard to the grievance of the petitioners for getting alternative site for their residence / dwelling houses. In this regard, the representation since has already been given by the petitioners, the same can be directed to be considered on merits, of course after giving an opportunity of hearing to these petitioners.

10. For all these reasons stated above, this Court is inclined to dispose of this writ petition by passing the following order.

That there shall be a direction to the respondents to consider the representation submitted by the petitioners dated 05.06.2013 on merits and in accordance with law, of course after giving an opportunity of hearing to the petitioners and in that case, if any notice is issued by the respondents fixing the date of hearing for deciding their plea, it is open to the petitioners to make out their case by producing all those documents which the petitioners rely upon stating that, they were given assurance that, the respondents would provide them alternative site, and considering the inputs to be given by the petitioners, the respondents shall consider the plea of the petitioners on merits and in accordance with law, of course by taking a pragmatic view and pass final orders to that effect, within a period of twelve weeks from the date of receipt of a copy of this order.

11. With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The District Collector,
Erode District - 638 601.

3. The Tahsildar,
Erode Taluk,
Erode.

4. The Executive Engineer,
Public Works Department,
LBP Canals,
Konavaikkal, Erode District.

+1cc to Mrs.P.Bagyalakshmi, Advocate, S.R.No.22435

+1cc to the Government Pleader, S.R.No.22453

W.P.No.20542 of 2013

KV(CO)
HS(14/07/2021)