

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 7782 of 2021
and
W.M.P. No.8314 of 2021

Lakshmi

...Petitioner

Vs

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Madurantagam,
Chengalpattu District.

3.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to issue patta in favour of the petitioner, in representation dated 02.11.2020, with the time fixed by this Hon'ble Court.

For Petitioner : Mr. E.P.Senniyangiri

For Respondents : Ms. A.B.Rehana Begum

O R D E R

This Writ Petition is filed for issuing Writ of Mandamus directing the third respondent to issue patta in favour of the petitioner on the basis of the representation dated 02.11.2020.

2. In the affidavit filed in support of this petition, the petitioner admits that the property which is the subject matter of this petition belonged to the Government and that the same is classified as "Kallankutthu". It is admitted that the petitioner has his own agricultural field in Survey No.462/2A which is just

adjoining the small piece of land to which the petitioner seeks patta. It is the case of the petitioner that the agricultural land is a patta land belonging to the petitioner and that its eastern side is covered by a water channel. It is further stated by the petitioner that on account of the existence of a water channel on the eastern side of his agricultural field, he could not put up the construction in the agricultural land belonging to him. The petitioner states that he was constrained to encroach the adjacent poromboke land by putting up a concrete roof house.

3. It is the case of the petitioner that the property encroached by the petitioner in Survey Nos.462/4A (Poromboke land) and 462/2A (Patta land) are adjacent to each other. It is also the case of the petitioner that the petitioner will have access to his patta land only through the poromboke land in which he has put up his residential building. It is in these circumstances, the petitioner has approached the respondents for giving free house site patta on the strength of his long enjoyment of the poromboke land.

4. The petitioner is not a landless poor to seek free house site patta. The petitioner himself admits that he is owning a large extent of land and doing cultivation as an absolute owner. In such circumstances, the petitioner is not entitled to get free house site patta even as per Revenue Standing Orders or as per the Executive orders of Government regarding grant of free house site patta.

5. As a result, this Court is of the view that no indulgence can be shown to the petitioner by directing the respondents to issue patta in favour of the land occupied and encroached by the petitioner. However, the petitioner is at liberty to approach the respondents for assignment of land in which he has now put up a construction, for a value that may be decided as per Revenue Standing Orders or Executive orders of the Government.

6. With the above liberty preserved to the petitioner, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Madurantagam,
Chengalpattu District.

3.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

+1cc to Mr.E.P.Senniyangiri, Advocate, S.R.No.19405

+1cc to the Government Pleader, S.R.No.19711

W.P. No. 7782 of 2021

UM(CO)
RN(10/05/2021)