

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.24002 of 2018 and
W.M.P. No.27968 of 2018

1.Vijayalakshmi
2.Kalaiselvi
3.B.Sivakumar

.. Petitioners

Vs.

1.The District Collector
Chennai District, Chennai

2.The Tahsildar
Guindy Taluk, Chennai - 600 032

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order by the 2nd respondent dated 05.04.2018 in Na. Ka. No.A1/0223/2018 quash the same, further directing the 2nd respondent to issue patta in favour of the petitioner.

* * *

For Petitioner : Mr.S.Venkataswamy Babu

For Respondents: Ms.A.Madhumathi
Special Govt. Pleader

O R D E R

This writ petition is filed for issuing a writ of certiorarified mandamus to call for the records relating to the order passed by the 2nd respondent dated 05.04.2018 in Na. Ka. No.A1/0223/2018 and to quash the same and for a further direction to the 2nd respondent to issue patta in favour of the petitioners.

2. The petitioners' claim is in respect of a piece of land without specific measurement stating that they are in enjoyment of the property for more than 15 years. It is further stated that the petitioners are landless poor and that they have made a

representation to the respondents for issuance of patta. The representation of the petitioners dated 11.09.2017 was considered by the second respondent and the second respondent, by the impugned order, rejected the same on the ground that petitioners are not in possession of the property and that the property for which the petitioners seek patta is a property classified as 'sarkar poramboke'.

3. The petitioners themselves admit that they have encroached the property. However, the second respondent in the impugned order has indicated that the encroachment was removed by taking steps. It is stated in the impugned order that the petitioners were making attempts to encroach a portion of the property nearby a pump station from where the Raj Bhavan is getting supply of water. Small huts measuring 10' x 10' and 20' x 12' were identified by the respondents as temporary structures and that those were put up by the petitioners only to get patta as if they are in possession and enjoyment of the property. An encroacher of government land is not entitled to get patta for the specific land on the basis of his encroachment. If that is permitted, anyone will be encouraged to encroach and then seek patta.

4. In the present case, the stand taken by the second respondent is that the encroachment cannot be regularised having regard to the location of the land in which the petitioners seek patta. This court has no reason to interfere with the order of the second respondent, which does not otherwise suffer from any material irregularity or illegality. It may be open to the petitioners to approach the officials for assignment of any other property for residence, if the petitioners are entitled to by virtue of any of the executive orders. However, this court finds no merit in the writ petition.

5. Accordingly, the writ petition is dismissed. However, there is no order as to cost. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

asr

To

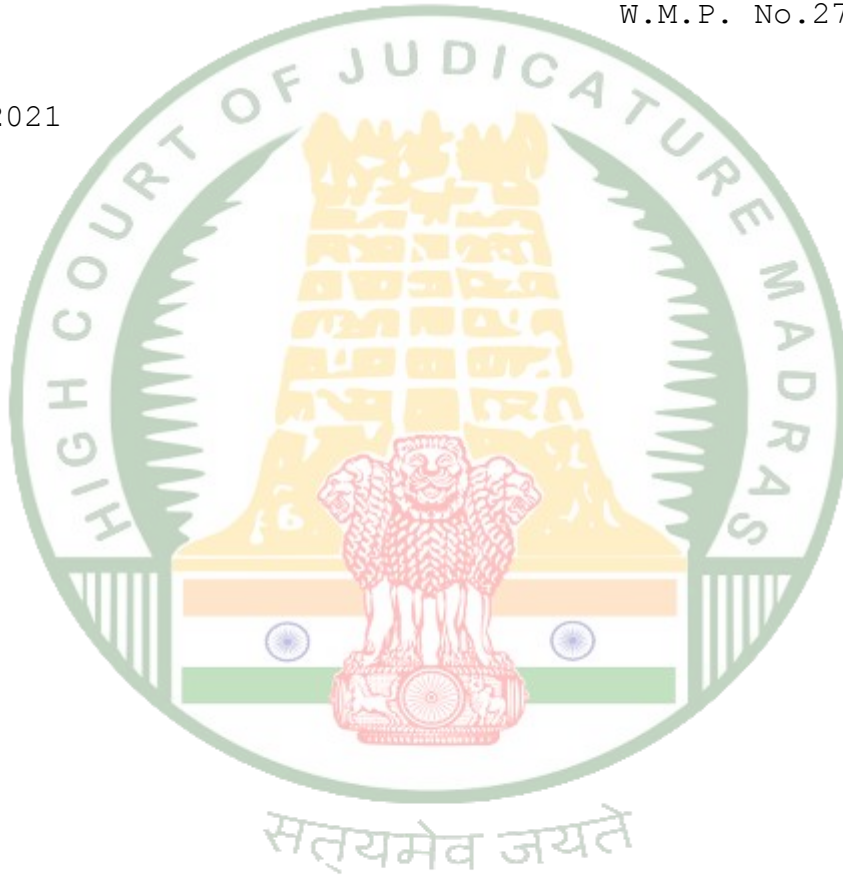
1.The District Collector
Chennai District, Chennai

2.The Tahsildar
Guindy Taluk, Chennai - 600 032

+1cc to Mr.S.Venkataswamy Babu, Advocate Sr.No.18779
+1cc to Government Pleader Sr.No.18190

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PMK(CO)
NR 21/04/2021



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