

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.17685 of 2018 and
W.M.P. No.20955 of 2018

Kannammal

.. Petitioner

Vs.

1.The District Collector
Erode District.

2.The Revenue Divisional Officer
Gobichettipalayam, Erode District

3.The Tahsildar
Sathyamangalam Taluk
Erode District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to grant allotment of land and patta to the petitioner in S.No.372/4, Kurumbalayam Village, Sathyamangalam Taluk on receipt of market value of the lands.

For Petitioner : Mr.M.Nandhakumar

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

सत्यमेव जयते
O R D E R

This writ petition is filed for issuing a direction to the respondents to grant allotment of land and patta to the petitioner in S. No.372/4, Kurumbalayam Village, Sathyamangalam Taluk on receipt of market value of the lands.

2. The petitioner states that he is in possession from 2000 and that he has constructed a small house which is also assessed to property tax. The petitioner submitted a representation on 02.11.2013 to the third respondent for grant of allotment of land or grant of patta. The petitioner finding that the respondent is not inclined to issue patta to him, has approached this court.

3. From the narration of events and a perusal of the documents produced before this court, this court is of the view that the petitioner is in enjoyment of a government land and that he wants regularisation of his possession by getting assignment of land or patta from the respondents. A person who is in encroachment of the government land, cannot claim patta or assignment as a matter of right.

4. Though the petitioner states that he is in enjoyment of the land from 2000, the petitioner has not produced before this court any document except the property tax receipts for the assessment years 2010-11, 2015-16 and 2016-17. However, the learned counsel appearing for the petitioner seeks the indulgence of this court for a direction to the respondents to consider petitioner's representation. This court, in this case cannot issue any positive direction to the respondents, as the respondents have to be cautious in passing orders in the matter of assignment of land in favour of individuals, in view of many executive orders restricting or prohibiting assignment in respect of government poramboke land. However, the respondents may be directed to consider the representation of the petitioner dated 02.11.2013 for grant of assignment in favour of the petitioner. It is made clear that the respondents shall be cautious while dealing with the claim made by the petitioner. If the claim of the petitioner that he is in possession and enjoyment of the property as averred in the writ petition is true, his application can be considered. If the petitioner's case in the affidavit filed in support of the writ petition turns out to be false, the petitioner's application shall be rejected without assigning any reason. Accordingly, the third respondent is directed to consider and dispose of the representation of the petitioner dated 02.11.2013 on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction to the third respondent, this writ petition is closed. However there is no order as to costs. Consequently, the connected writ miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asr

To

1.The District Collector
Erode District.

2.The Revenue Divisional Officer
Gobichettipalayam, Erode District

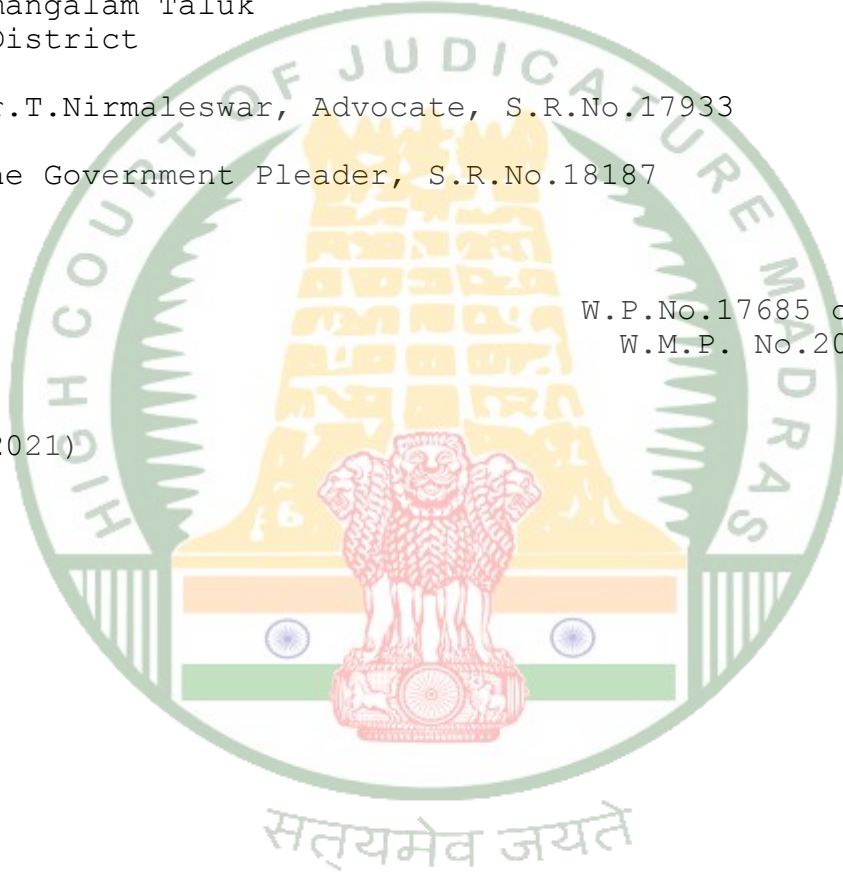
3.The Tahsildar
Sathyamangalam Taluk
Erode District

+1cc to Mr.T.Nirmaleswar, Advocate, S.R.No.17933

+1cc to the Government Pleader, S.R.No.18187

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PMK (CO)
KM(21/04/2021)



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