



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.32918 and 32919 of 2014

W.P.No.32918 of 2014:

1. M.Ananthan
2. Dilli
3. M.A.Vasumathi
4. M.A.Saraswathi
5. M.A.Jayalakshmi

... Petitioners

W.P.No.32919 of 2014:

Kanniammal

... Petitioner

-Vs-

Both W.P.s:

- 1.The District Collector,
Tiruvallur District,
Tiruvallur 602 001.
- 2.The Tahsildar,
Gummidipoondi,
Gummidipoondi Taluk,
Tiruvallur District 601 201.

... Respondents

Prayer in W.P.No.32918 of 2014 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent herein to issue patta to the petitioners in respect of cultivating poramboke land comprised in S.No.63/1-2, Kilmudalambedu, Panpakkam Village, Kavaraipettai Post, Gummidipoondi Taluk, Tiruvallur District, in the light of G.O. (Ms).No.241, dated 12.09.2006 as per their respective representations dated 14.11.2014.

Prayer in W.P.No.32919 of 2014 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent herein to issue patta to the petitioner in respect of



cultivating poramboke land comprised in S.No.63/1-2, Kilmudalambedu, Panpakkam Village, Kavaraipettai Post, Gummidipoondi Taluk, Tiruvallur District, measuring an extent of 10 cents in the light of G.O.(Ms).No.241, dated 12.09.2006 as per her representation dated 14.11.2014.

In Both W.P.s

For Petitioners : Mr.Venkataswamybabu

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate.

COMMON ORDER

These Writ Petitions have been filed for the direction, directing the second respondent to issue patta for their subject land comprised in Survey No.63/1-2, Kilmudalambedu, Panpakkam Village, Kavaraipettai Post, Gummidipoondi Taluk, Tiruvallur District.

2. Heard Mr.Venkataswamybabu, learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents.

3. The case of the petitioners is that they have purchased the subject land comprised in Survey No.63/1-2 Kilmudalambedu, Panpakkam Village, Kavaraipettai Post, Gummidipoondi Taluk, Tiruvallur District by the registered sale deeds dated 05.03.2012 and 14.03.2013 to an extent of 70 cents. Thereafter, they have purchased 15 cents by the registered sale deed, dated 23.04.2012. By another registered sale deed, dated 23.05.2012, the petitioners have purchased another land to an extent of 15 cents in the same Survey No.63/1-2. In W.P.No.32918 of 2014, the petitioners have totally purchased to an extent of 1.55 acres. Therefore, the petitioners had sent a representation for issuance of patta as G.O.Ms.No.241, dated 12.09.2006.

4. A perusal of G.O.Ms.No.241, dated 12.09.2006 revealed that the Government approved the operational guidelines for the development of waste land under the scheme of distribution of 2 acres of land to the poor landless agricultural labour families in Tamil Nadu as given in Annexure - I by the order.

5. The second respondent filed a counter and it revealed that the land comprised in Survey No.63/1 and 63/2 are classified as water course poramboke in Panpakkam Hamlet of No.79, Keelmudalambedu Village of Gummidipoondi Taluk, Tiruvallur District. In particular the land comprised in 63/1 is classified as Eri Ulvoy (Tank Bed) to an extent of 7.20.5



hectares. The land comprised in Survey No.63/2 is classified as Panpakkam Peria Eri (Big Tank) to an extent of 91.38.0 hectares. As per the G.O.Ms.No.41, Revenue Department, dated 20.01.1987, there is a ban on regularization of encroachments in the water course poramboke lands such as Odai, Channel and river etc. The assignment of cultivable land within 32 kms from Chennai city limits has also been banned by the Government in G.O.Ms.No.1135 Revenue Department, dated 11.03.1962.

6. Therefore, the implementation of free assignment of 2 acres of land to the landless poor agricultural labour families has to be done in accordance with the prevailing rules prescribed for assignment of cultivable lands. The petitioners are not at all the landless poor agricultural labourers. The land comprised in Survey No.63/1 encroached by them which is classified as Eri Ulvoy (Tank Bed) land which has been banned for assignment by G.O.Ms.No.41 Revenue Department, dated 20.01.1987. The village Panpakkam Hamlet of No.79 Keelmudalambedu Village lies in the belt of Chennai area, wherein the assignment of cultivable lands were already banned as early as on 11.03.1962 by G.O.Ms.No.1135.

7. Therefore, the representation of the petitioners cannot be considered and both the writ petitions are devoid of merits and liable to be dismissed.

8. In view of the above, these writ petitions are dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mn/sha

To

1.The District Collector,
Tiruvallur District, Tiruvallur 602 001.

2.The Tahsildar,
Gummidipoondi, Gummidipoondi Taluk,
Tiruvallur District 601 201.

+lcc to the Government Pleader Sr No.57636

W.P.Nos.32918 and 32919 of 2014

KSM (CO)
PR (26/11/2021)