



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.17274 of 2014

T.Madhavi

.. Petitioner

vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. Tahsildar,
Thiruvallur Taluk,
Thiruvallur.
3. Special Tahsildar SC & ST,
RDO Campus,
Thiruvallur District,
Thiruvallur.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 15.04.2013 and 11.01.2014 submitted by the petitioner.

For Petitioner : Mr.G.A.Thiyagarajan

For Respondents : Mr.C.Jayaprakash,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider the representations submitted by the petitioner respectively on 15.04.2013 and 11.01.2014.

2. The representation dated 15.04.2013 submitted by the petitioner Smt.T.Madhavi to the first respondent-District Collector reveals that the land under her occupation is a Government Natham land and she constructed a house and resided



there. She is paying house tax also. Thus, she requested to grant patta for the said Government Natham land. Further the representation dated 11.01.2014 is not the representation submitted by the petitioner and it is a letter sent by the learned counsel for the petitioner.

3. The representation is made through an Advocate is to take the benefit of the appropriate Scheme for issuance of patta. Advocate Notices are to be issued only if the rights of the petitioner are infringed and if institution of the suit is required.

4. In the present case, the first representation was sent by the petitioner and the next representation was not the representation and a notice to the first respondent-District Collector, second respondent-Tahsildar and third respondent-Special Tahsildar through Advocates to issue patta for the subject property.

5. Issuance of patta to landless poor people is the Welfare Scheme introduced by the Government then and there by identifying the lands for the purpose of implementing the Scheme. However, the beneficiaries are to be identified and their eligibility is to be ascertained by the Competent Authorities for extending such Schemes strictly in accordance with the terms and conditions of the Scheme of such Special Schemes.

6. A person, who has encroached the Government Natham land and constructed a house, cannot submit an application for grant of patta, which cannot be considered by the High Court under Article 226 of the Constitution of India.

7. In the present case, the petitioner herself has stated that she is in occupation of the Government Natham property and constructed a house. Thus, the occupation as well as the construction of a house is not in accordance with law and after committing such irregularities, no person can come out with any petition for grant of patta.

8. It is not as if a person, who squatered in the village Natham property constructed a house and thereafter submitted an application for grant of patta. Such a practice of individual can never be encouraged nor be approved. It is for the Government to identify the lands and allot such lands equally to all the eligible persons by formulating a Scheme to assess the landless poor people of this Great Nation.

9. This being the principles to be followed, the High Court cannot show any misplaced sympathy in such matters where



the persons, who have squatered the public property, including the village Natham and submitting an application for grant of patta after constructing a house and the High Court cannot recommend or issue any direction to consider such representation in the absence of any right to the person, who is approaching the High Court.

10. Establishing the right is a precondition for entertaining a writ petition. Only if a right is established, then only the High Court would be in a position to consider the relief even to direct the authorities to consider the representation.

11. The practice of restoration of lapsed causes is increasing. For this purpose, the litigants are advised to submit representations to the Authorities Competent and file writ petitions to direct the Authorities to consider the representations and by obtaining orders from the Court, the Authorities are forced to pass orders in respect of those lapsed claims. The said order passed pursuant to the directions granted by this Court is used as a fresh cause for the purpose of adjudicating the lapsed claims. Such practices of the litigants can never be encouraged by the Courts. The representations are submitted in casual manner without even establishing the rights. Thus, even for considering the representations, the Courts have to ascertain whether the petitioner has established his/her right or infringement of rights.

12. This being the scope of the writ petition, if at all any scheme is formulated by the Government for grant of patta to the landless poor people, the petitioner is at liberty to submit an application, if she is otherwise eligible in accordance with the Schemes. However, it is made clear that if the petitioner is in illegal occupation of the subject property, the competent authorities are bound to look into the matter and initiate appropriate action.

13. With the above said observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. Tahsildar,
Thiruvallur Taluk,
Thiruvallur.
3. Special Tahsildar SC & ST,
RDO Campus,
Thiruvallur District,
Thiruvallur.

+1cc to M/s.G.A.Thiyagarajan, Advocate, S.R.No.61464

WP 17274 of 2014

VG-II (CO)
SU (03/12/2021)