



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.27313 OF 2014

AND

M.P.NO.1 OF 2014,

W.M.P.NO.5071 OF 2018

G.Marasamy

... Petitioner

.Vs.

1. The Tahsildar,
Anthiyur Taluk,
Taluk Office ,
Anthiyur - 638 501,
Erode District.

2. The Village Administrative Officer,
Kuppandampalayam,
Via Athani - 638 502,
Erode District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents herein from dispossessing the petitioner from the house site situate in Natham lands in S.No.237/3, Kuppandampalayam Village, Anthiyur Taluk.

For Petitioner : Mrs.Zeenath Begum

For Respondents : Mr.C.Jayaprakash
Government Advocate

O R D E R

The Notice issued to the respondents by the learned counsel for the petitioner on 02.08.2014 is the cause for filing the present Writ Petition. Such a notice issued by the lawyer cannot be considered as a cause for the purpose of filing the present



Writ Petition. The petitioner is in occupation of the Natham land in S.No.237/3, Kuppandamapalayam Village, Anthiyur Taluk. The relief sought for in the present Writ Petition is to forbear the respondents from dispossessing the petitioner.

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2. This Court is of the considered opinion that the relief as it sought for cannot be granted, in view of the fact that the subject land is admittedly a Natham Porambokku land and the authorities competent are bound to verify the revenue records and initiate all appropriate actions in the manner known to law. A mere possession in the Natham Porambokku land will not confer any right to a person to seek for an injunction from the High Court from dispossessing the said person from the property. Allotment of land or grant of patta has to be made by following the procedures as contemplated under law.

3. It is not as if a person can squat in the Government property and thereafter, file a petition for allotment or grant of patta. Such a practice can never be encouraged. If at all a person claims to be poor or downtrodden, they have to submit an application before the competent authorities for the purpose of allotment of lands through schemes, to landless poor people or under a special scheme for grant of patta. Contrarily, the practice of squatting on Government land and thereafter attempting to get an allotment or patta can never be encouraged nor any relief can be granted in such circumstances.

4. It is not known, what is the extent of the property under the possession of the petitioner. In the absence of these facts, the relief sought for in the present Writ Petition cannot be granted and the respondents are bound to be vigilant in respect of such Government land, wherein, encroachments are made or otherwise. Thus, the authorities competent has to conduct inspections and initiate necessary steps by following the procedures as contemplated under law.

5. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Kan/Jeni



To

1. The Tahsildar,
Anthiyur Taluk,
Taluk Office,
Anthiyur - 638 501,
Erode District.

2. The Village Administrative Officer,
Kuppandampalayam,
Via Athani - 638 502,
Erode District.

+1cc to the Government Pleader, S.R.No.62211

W.P.NO.27313 OF 2014

SSI (CO)
PBS/08/12/2021