



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM :

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No. 17212 of 2015

And

M.P.No. 1 of 2015

G.Ravanan

... Petitioner

Vs.

1. The Panchayat President
Nagalpakkam Village Panchayat
Marakkanam Panchayat
Tindivanam Taluk
Villulpuram District.
2. The Tahsildar
Tindivanam Taluk
Villupuram District.
3. The District Collector
District Collectorate
Villupuram - 606 602
4. The Registrar
Tamilnadu University of Veterinary and Animal Sciences
(TANUVAS)
Veppery, Chennai.
5. The Tahsildar
Marakkanam Taluk,
Villupuram District.

... Respondents

(Impleaded as per order dated 26.10.2015 by MMSJ in MP.2/2015 in WP.17212/2015)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents not to put up any fencing obstructing the ingress of egress of the property and consequently direct the respondent to maintain the existing road as it is shown in the approved layout dated 11.07.2011 based on the petitioner's representation dated 06.06.2015.

For Petitioner : Mr. Mr. T.Arockia Dass
for M/s.DASS LAW ASSOCIATES
For RR 1, 2, 3 & 5 : Mr. M.Rajendiran
Additional Government Pleader



For 4th Respondent : Mr. V.Gangatharan

O R D E R

The relief sought for in this Writ Petition is to the nature of a Writ of Mandamus directing the respondents not to put up any fencing obstructing the ingress of egress of the property and consequently direct the respondent to maintain the existing road as it is shown in the approved layout dated 11.07.2011 based on the petitioner's representation dated 06.06.2015.

2. The learned counsel for the petitioner made a submission that inspite of the efforts taken by him, he could not able to secure instructions from the petitioner.

3. However, the 5th respondent has filed a counter affidavit stating the following facts:-

"6. It is further state that the Government has been issued free patta belongs to Government uncultivated promboke lands on 23.11.1999 to the landless poor Most Backward Community people those as follows: 1) an extent of 0.18.0 Ares in S.No. 10/1 under the patta No.333 in the name of Mrs. V.Gangaiammal, 2) an extent of 0.18.0 Ares in S.No.10/6 under the patta No. 334 in the name of Mrs.Ellammal, w/o. Mr.Ramu, 3) an extent of 0.18.0 Ares in S.No.10/7 as per the patta No. 335 stands in the name of Mrs. Neenjilee w/o. Mr.Krishnamoorthy, 4) an extent of 0.18.0 Ares in S.No.10/8 in patta No.336 in the name of Mrs. Navammal w/o. Mr.Periyasamy and an extent of 4.82.5 in S.No.11/2A under the patta No.11 belongs to Mr.Somasundaram and 7 others. On verification of the revenue records the petitioner specified in survey Nos. as 10/1, 10/6, 10/7, 10/8 and 11/2B lands are in Taluk Office computer Chitta stands in the petitioners company name as M/s. Vox Realities Pvt. Ltd., but till date there is no correction or transfer in the village revenue records, it stands in the name of those free patta holders stated as above said 4 women except survey No.11/2B. Therefore, those free patta is assigned patta, which is issued on condition by the Government for poor landless Most Backward Community people for upgrade their life style, it cannot sell or transfer to the third parties name if, it is found any violation in the conditions of the said free patta automatically cancelled and the same will be return back to



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government, it belongs to government land according to law, if there is any one occupy the such a land is called as encroached land.

7. It is further state that the petitioner admitting in this writ petition whereas their company has been purchased the lands in survey Nos. as 10/1,10/6, 10/7, 10/8 and obtained patta in his name is not valid one. It states that it cannot transfer as per conditions of the assigned patta, therefore it is not valid transactions under the eye of law, the transfer is null and void. According to G.O.No. 2485, Revenue Department, dated 09.11.1979 the beneficiary cannot sell the allotment land without prior permission from the Government after completion of the condition period of 10 years from the date of allotment. Whereas the beneficiaries of the free patta holders not follow the conditions and sold the properties to the petitioner is against the rules and regulations of the free patta land for poor landless people. Therefore, the land automatically back to government it is treated as government land, this petitioner is purely encroacher of the government land and also formed the layout is without approval from the appropriate authorities is against law. "

4. In view of the facts and circumstances, the petitioner has not establish any case for the purpose of grant of relief. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Panchayat President
Nagalpakkam Village Panchayat
Marakkanam Panchayat
Tindivanam Taluk
Villupuram District.



2. The Tahsildar
Tindivanam Taluk
Villupuram District.

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3. The District Collector
District Collectorate
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Tamilnadu University of Veterinary and Animal Sciences
(TANUVAS)
Veppery, Chennai.

5. The Tahsildar
Marakkanam Taluk,
Villupuram District.

+1 cc to M/S.DASS LAW ASSOCIATES, Advocate Sr.NO. 3849

+1 cc to Government Pleader Sr.NO. 3969

W.P.No. 17212 of 2015

And

M.P.No. 1 of 2015

pmk (CO)

A.SK(08.02.2022)