



W.P.No.25667 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25667 of 2022
and
W.M.P.No.24685 of 2022

Dr.Ambedkar Nagar Kudiyirupoor Nala Sangam
Represented by its President Mr.D.Balu,
No.80, M.G.R.Street, Veppampatti,
Pallikaranai, Chennai 600 100.

.. Petitioner

Vs.

1. The District Collector,
Chennai District, Rajaji Salai,
Chennai 600 001.
2. The Revenue Divisional Officer,
Guindy, Chennai 600 016.
3. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai 600 100.
4. The District Forest Officer,
Sholinganallur Taluk, Chennai District.



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..Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the 3rd respondent to consider the petitioners representation dated 25.05.2022 to grant the patta to the members of the petitioners association in respect of the land comprised in Survey No.657/3A3 part in Dr.Ambedkar Nagar, MGR Street, Veppampatti Pallikarani, Ward No.189, Zone 14, Sholinganallur Taluk, Chennai District without issuing NOC from the 4th respondent and pass orders.

For Petitioner	: Mr.N. Baskaran
For Respondents 1 to 3	: Mr.U. Bharanidharan Special Government Pleader
For Respondent 4	: Mr.T. Seenivasan Special Government Pleader

ORDER

This writ petition is filed for issuance of Writ of Mandamus directing the 3rd respondent to consider the petitioners representation dated 25.05.2022 to grant the patta to the members of the petitioners association in respect of the land comprised in Survey No.657/3A3 part in Dr.Ambedkar Nagar, MGR Street, Veppampatti Pallikarani, Ward No.189, Zone 14, Sholinganallur Taluk, Chennai District without issuing



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NOC from the 4th respondent.
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2. The facts of the case is that the residents of petitioners Association were residing in the subject land for more than 40 years and also approaching the authorities concerned to regularize their possession and to grant Patta. The further case of the petitioners' Association is that in the Revenue records it has been mentioned that the subject lands belongs to 4th respondent, but originally the land belongs to Corporation of Chennai vide order dated 03.10.2019 in Ni.Ma.U.Thu.Na.Ka.No.LE/2164/2019. The grievance of the petitioner is that the in the very same area VGP Nagar the 3rd Respondent has granted Patta, whereas the 3rd respondent refusing to grant patta to the petitioners' Association is not acceptable. Hence the petitioners' Association has filed this writ petition with the aforesaid prayer.

3. The learned counsel for the petitioner contend that the residents of the petitioners' Association are residing in the land in question for more than 30 years and they have provided with all the basic amenities and they are also paying taxes to the Government. Hence they are entitled for patta



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for the land in question. Hence prays for appropriate orders.

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4. The learned Government pleader submits that the residents of petitioners' Association are encroachers and without any patta they have unauthorizedly occupied the subject lands. Hence they have not right to reside in the forest lands and submitted that the authorities are taking action to remove all the encroachments. Hence prays for dismissal of this writ petition.

5. In view of the above it is observed that the residents of the petitioners' Association were residing in a forest area for more than 30 years. The land in question had been classified as forest hence no patta can be granted and if there were encroachments, they had to be removed. That apart, land classified as forest poramboke had to be used only for forestry purposes.

6. This Court further observed that encroachments is nothing but it is the spread of humans, transportation systems utilities, buildings and other development into natural areas. It is thus clear that the petitioners' Association cannot be entitled to any patta as the said land originally



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belong to forest Department. Hence, it is made clear that this Court cannot grant the relief to grant of patta as the writ petitioners Association are the encroachers of Forest Land.

7. In such view of the matter, the writ petitioner have not established any acceptable ground for the purpose of grant of relief as such sought for in the present writ petition.

Accordingly this writ petition is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

smn
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No
To

1. The District Revenue Officer,
Villupuram District, Villupuram.
2. The Tahsildar,
Ulundurpet Taluk,
Villuppuram District.

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M.DHANDAPANI,J.

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