



W.P.No.12306 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.12306 of 2014

and

M.P.Nos.1 & 2 of 2014

1. S.Chandrasekaran
2. S.Murugesan
3. L.Dhanalakshmi
4. J.Geetha
5. P.Rassammal
6. K.Saroja
7. A.Maheswari
8. S.Kavundianna
9. R.Kulandaivelu
10. R.Marappan
11. K.Thilagam
12. K.V.Senthil Kumar
13. S.Selvamani
14. N.Latha
15. N.Nallamuthu
16. P.S.Subramaniam



W.P.No.12306 of 2014

17. R.Nallamuthu
18. R.Natesan
19. S.Jayaprabha
20. M.Manimegali
21. M.Gowrishankar
22. U.Parimalam
23. C.Saraswathi
24. K.Palanisamy
25. R.Premalatha
26. M.Rajavel
27. M.Pappathi
28. R.Shanmugavadivu
29. M.Marayee
30. M.Velmurugan
31. M.Gowrishankar
32. K.Kadhiravan
33. K.Dhinakaran
34. K.Kirubhakaran
35. M.Marimuthu
36. K.Senthil Kumar
37. A.Latha
38. S.Saraswathi

. . . Petitioners

Vs.



W.P.No.12306 of 2014

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1. The District Collector,
Namakkal District.
2. The District Revenue Officer,
Namakkal District.
3. The Revenue Divisional Officer,
Tiruhengode,
Namakkal District.
4. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.
5. The Tiruchengode Municipality,
Represented by its Commissioner,
Tiruchengode,
Namakkal District.

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate order or direction in the nature of a writ, call for the records relating to the order passed by the 4th respondent in Na.Ka.No.29184/2013 dated 07.02.2014 issued to the petitioners individually, quash the same and further direct the respondents 1 to 4 herein issue patta to the petitioners.

For Petitioners : Mr.A.R.Sundaresan,
for M/s.Venkataswamy Babu

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader for R1 to R4



W.P.No.12306 of 2014

: Mr.P.Naveetha Krishnan for R5

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ORDER

The present petition has been filed seeking the relief of quashment of the impugned order dated 07.02.2014 which was passed by the 4th respondent and a direction to respondents 1 to 4 to issue patta in favour of the petitioners.

2. It is the case of the petitioners that they are in possession and enjoyment of the Government Poromboke land comprised in Ward No.G, Block No.35, T.S.No.79 situated at Tiruchengode Taluk, Namakkal District by putting up pucca houses in the said land. While being so, G.O.2D.No.711 dated 31.11.2007 and G.O.Ms.No.142 dated 23.05.2013 came to be issued by the State Government for the purpose of issuing Patta to the persons who are in possession of the above land, pursuant to which, the petitioners made representations to the respondents on various dates requesting for issuance of patta in their favour with respect to the above land, however, the same was not considered, which resulted in filing of the Writ Petition in W.P.No.26407 of 2013, in which, the 4th respondent was



W.P.No.12306 of 2014

directed to pass orders on the representations made by the petitioners, based on which, petitioners' representations were considered and rejected vide the present impugned order dated 07.02.2014. Challenging the said order, the present petition has been filed.

3. Learned counsel for the petitioners submitted that a stereotyped order has been passed by the respondents, without considering the financial stability of the individual petitioners, which show their non -application of mind in passing the impugned order and therefore, the order impugned in this Writ Petition is liable to be quashed and this Writ Petition may be allowed.

4. Learned Additional Government Pleader appearing for the respondents submits that on the earlier occasion, this Court had directed the respondents to verify as to whether the petitioners are eligible for grant of house site patta in respect of the Government poromboke land, under the said G.O, pursuant to which, a report dated 26.10.2022 to that effect has been filed by the respondents furnishing the details of the petitioners.



W.P.No.12306 of 2014

WEB COPY

5. A perusal of the report filed on behalf of the respondents reveals that the petitioners are not coming within the ambit of G.O.2D.No.711 dated 31.11.2007 and G.O.Ms.No.142 dated 23.05.2013. Though, it is the case of the petitioners that they are in possession of the land which is not disputed by the respondents, but as is evident from the report, the petitioners cannot be said to be landless poor as most of the petitioners are gainfully employed and above the threshold limit to equate them to the status of landless poor. In such view of the matter, merely on the basis of possession, patta cannot be issued in favour of the occupants. Therefore, the claim of the petitioners with regard to issuance of patta cannot be considered and no affirmative direction can be issued to the respondents as sought for in this Writ Petition. Hence, the impugned order passed by the 4th respondent cannot be found fault with and this Writ Petition deserves to be dismissed. However, this Court, in order to grant equitable relief, is of the opinion that such of the petitioners, who do not fall above the threshold limit with regard to earnings, the respondents may consider issuing house site patta in favour of those petitioners.



W.P.No.12306 of 2014

WEB COPY

6. Accordingly, this Writ Petition is disposed of with a direction to the respondents to consider the case of those petitioners who come within the zone of consideration of the aforesaid G.O for grant of housesite patta. However, in respect of the other petitioners, the relief sought for cannot be granted. The 1st respondent is directed to pass appropriate orders with regard to the petitioners, who fulfill the conditions of the said G.O for grant of house patta within a period of twelve weeks from the date receipt of a copy of this order. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

27.10.2022

NHS

Index : Yes / No

Internet : Yes / No



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W.P.No.12306 of 2014

M.DHANDAPANI, J.

NHS

To

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Namakkal District.
2. The District Revenue Officer,
Namakkal District.
3. The Revenue Divisional Officer,
Tiruhengode,
Namakkal District.
4. The Tahsildar,
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5. The Commissioner,
The Tiruchengode Municipality,
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W.P.No.12306 of 2014

27.10.2022



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W.P.No.12306 of 2014