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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22867 of 2021

R.Saraswathi

...Petitioner

Vs

1. The Commissioner of Land Administration
Ezhizhakam, II-Floor,
Chepauk, Chennai- 600 005.

2. The District Collector,
Erode District.

3. The Revenue Divisional Officer
Gobichettipalayam, Erode District.

4. The Thasildar,
Sathyamanglam,
Erode District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.12.2020 requesting for assignment of land in R.S.No.110 to the extent of 70 cents and in R.S.No.88 to the extent of 10 cents and in total 80 cents in Varadhampalayam Village, Sathyamangalam Taluk, Erode District on payment of the land costs fixed by the respondents to the petitioner within the time fixed by this Court.

For Petitioner : Mr.M.Karthik

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

The case of the petitioner is that the petitioner is in possession and enjoyment of the land in R.S.No.110 to the extent of 70 cents and in R.S.No.88 to the extent of 10 cents and in total 80 cents in Varadhampalayam Village, Sathyamangalam Taluk, Erode District and cultivating the same for more than 40 years.



It is classified as Road Poramboke in the revenue records. Therefore, the petitioner made a representation for assigning the said land in favour of the petitioner on payment of the land costs.

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2. The fourth respondent has filed counter and revealed that the unobjectionable Government poramboke land can be assigned only to the downtrodden families and landless poor with the aim to their upliftment of life and livelihood. Whereas, the family of the petitioner is already holding lands jointly with an extent of 16.91 acres of land comprised in R.S.No.84/1, 2, 109/2, 3 and 104/2C situated at Varadhampalayam Village, Sathyamangalam Taluk, Erode District, as detailed below:

R.S. No.	Total extent (in Hectares)	Patta Number/Name of the Pattadar
84/1		
84/2		
109/2	0.76.0	73-Rasa Gounder, S/o.Karuppa Gounder
109/3	0.80.0	73-Rasa Gounder, S/o.Karuppa Gounder
104/2C	1.24.0	535-K.Rasa Gounder

3. While being so, the petitioner had been occupied highly objectionable Government Poramboke land comprised in R.S.No.110 & R.S.No.111, which is classified as 'Vandi Pathai'(Cart Track)', caused much hindrance to the general public. Therefore, the encroachments made by the petitioner were removed and now the Cart Track being used without any hindrance.

4. In fact, the petitioner's husband also made representation on 11.12.2020 with a similar prayer and he filed Writ Petition before this Court in W.P.No.23258 of 2021. This Court by order dated 19.11.2021, directed the first respondent to consider the representation within a period of twelve weeks.

5. Since the petitioner is being an encroacher and her encroachment has already removed and the subject property now using by the general public as Cart Track ('Vandi Pathai'), the petitioner is not entitled for any assignment of the land. Therefore, the writ petition is devoid of merits and is liable to be dismissed.



6. Accordingly, the writ petition stands dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(CS-V)

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//True Copy//

Sub Assistant Registrar

nst/rkp

To

1. The Commissioner of Land Administration
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Chepauk, Chennai- 600 005.
2. The District Collector,
Erode District.
3. The Revenue Divisional Officer
Gobichettipalayam, Erode District.
4. The Thasildar,
Sathyamanglam,
Erode District.

+1cc to the Government Pleader, S.R.No.2704

W.P.No.22867 of 2021

GSM(CO)
CB(03/02/2022)