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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25740 of 2018
and
W.M.P.No.29949 of 2018

V.Rajkumar

..Petitioner

..Vs..

1. The Principal Secretary-Cum-
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.
2. The Additional Secretary-Cum-
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.
3. The District Collector,
Namakkal District,
Namakkal.
4. The District Revenue Officer,
Namakkal District,
Namakkal.
5. The Revenue Divisional Officer,
Namakkal,
Namakkal District.
6. The Tahsildhar,
Namakkal Taluk,
Namakkal District.
7. The Revenue Inspector,
Nallipalayam Firka,
Namakkal Taluk,
Namakkal District.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 6th respondent to allot the free house site to the petitioner in S.No.165/1 of Konur Village and in S.No.6/1 of



Kilsathambur Village as per the G.O.No.854 dated 30.12.2006 by providing road.

For Petitioner : Mr.A.Ilaya Perumal

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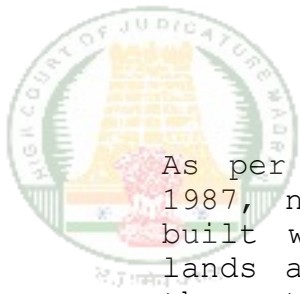
For Respondents : Mr.P.Balathandayutham,
Special Government Pleader.

O R D E R

This petition has been filed praying for issuance of a Writ of Mandamus, to direct the 6th respondent to allot the free house site to the petitioner in SF.No.165/1 of Konur Village and in SF.No.6/1 of Kilsathambur Village as per the G.O.No.854 dated 30.12.2006.

2.The Government of Tamil Nadu has issued a G.O.No.854 dated 30.12.2006 to provide that, if unused lands are available in the Government lands, it can be allotted as free house site patta to poor people who have not owned any patta land for their residence. The petitioner being one of the landless poor, applied for issuance of free house site patta. However, it was not considered and the petitioner filed a Writ Petition before this Court in W.P.No.28915 of 2010 along with others. This Court, by order dated 22.01.2011, directed the 6th respondent herein to consider the request of the petitioner for issuance of free house site patta. As directed by this Court, the 3rd respondent sent a communication dated 21.12.2016 to the 6th respondent stating that no "Natham Poramboke" land is available for issuance of free house site patta and as such his request was rejected. Therefore, already free house site pattas were issued in respect of the land comprised in SF.No.165/1 situated at Konur Village, Namakkal District and the land comprised SF.No.6/1 situated at Kilsathambur Village, Namakkal District and the 6th respondent was directed to consider the request of the petitioner herein.

3.On perusal of the counter filed by the 6th respondent, it reveals that the land comprised in SF.No.165/1 of Konur Village and also a land in SF.No.6/1 of Kilsathambur Village, stands classified in the village accounts as unassessed waste 'Kallanguttu' poramboke and unassessed waste 'Karadu' poramboke respectively. The people who are living around the said villages, are using the said lands to rear cattle. In the said lands, there is a "Odai" on the Northern corner and water will flow during rainy season in respect of the land comprised in SF.No.165/1 of Konur Village. Further, so far as the land comprised in SF.No.6/1 of Kilsathambur Village is concerned, it is situated adjoining the burial ground comprised in SF.No.6/2.



As per Rule 4(4) of the Tamil Nadu Panchayat Buildings Rules 1987, no building was intended for human habitation shall be built within 90 metres of burial ground. Therefore, both the lands are not fit for granting house site pattas. That apart, the petitioner did not fall within the conditions specified in G.O.Ms.No.854 dated 30.12.2006, as the said Government order states that the acquisition of the lands in question are only for people who are already in occupation of the Government land for more than 10 years and who were in need of regularization. The petitioner is never in occupation and possession of any area of land comprised in SF.No.165/1 of Konur Village and also the land comprised in SF.No.6/1 of Kilsathambur Village, Namakkal District. Further, the petitioner does not belong to the weaker section. Therefore the petitioner is not entitled to any free house site patta.

4. In view of the above facts and circumstances, the present writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

smv

To

1. The Principal Secretary-Cum-
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.
2. The Additional Secretary-Cum-
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 5.
3. The District Collector,
Namakkal District, Namakkal.
4. The District Revenue Officer,
Namakkal District, Namakkal.
5. The Revenue Divisional Officer,
Namakkal, Namakkal District.



6. The Tahsildhar,
Namakkal Taluk,
Namakkal District.

7. The Revenue Inspector,
Nallipalayam Firka,
Namakkal Taluk,
Namakkal District.

+1cc to M/s.A.Ilayaperumal, Advocate, S.R.No.4676

+1cc to the Government Pleader, S.R.No.5631

W.P.No.25740 of 2018
and
W.M.P.No.29949 of 2018

SSN(CO)
RGA(18/02/2022)