



WEB COPY

WP No.14997 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.14997 of 2012

Grama Ezhai Mattrum Thikkattror Nala Sangam
(GETS), Reg.No.1/1996, Dt.04.01.1996,
Represented by its Founder/Secretary
Mr.P.Jayaraj Jayaraman,
Kairikall Village and Post,
Arakkonam Taluk,
Vellore District,
Tamil Nadu.

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Vellore District,
Vellore,
Tamil Nadu.

2.The Tahsidlar,
Office of the Tahsildar,
Arakkoam,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertains to the impugned rejection orders dated 17.08.2008, 16.12.2009 and 24.11.2011 and quash the same, consequently direct the respondents to consider the proposal of the District Social Welfare Officer dated 28.04.2010 and allot 3 acres of land to the petitioner in Survey No.23, No.12, Karikal Village, as per the G.O.182, dated 04.12.2002, Social Welfare Department, for the purpose of construction of Orphanage Home, play ground.

For Petitioner : Mr.P.R.Thiruneelakandan
(Change of Vakalat Given)

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The writ on hand has been instituted to quash the impugned order of the first respondent rejecting the claim of the writ petitioner in proceedings dated 17.08.2008, 16.12.2009 and 24.11.2011 respectively.

2. The first impugned order reveals that the application submitted by the writ petitioner for grant of patta was rejected on the ground that the subject land was classified as 'Poramboke'. Subsequent attempt by the petitioner by approaching the Tahsildar, Arakkonam once again also



went in vain and passed an order stating that the petitioner cannot be granted patta in respect of the subject property.

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3. The petitioner again in the year 2011 approached the Authorities and once again the Tahsildar, Arakkonam passed an order indicating that the claim of the petitioner for grant of house site patta cannot be considered.

4. The petitioner is 'Grama Ezhai Mattrum Thikkattror Nala Sangam', which is a Society registered under the Tamil Nadu Societies Registration Act. The petitioner-Sangam is providing education and home to the poor destitute children and help the old-age poor destitute and differently abled persons. The petitioner is running an Orphanage Home and doing services.

5. The petitioner submitted an application seeking patta and on verification of revenue records, the Authorities found that it is 'Poramboke' and therefore, the request of the petitioner cannot be considered. The petitioner further states that the District Collector is empowered to grant



patta as per G.O.Ms.No.182, Social Welfare Department, dated 04.12.2002 and allot free sites to the Private Organisations.

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6. The petitioner has submitted an application for grant of patta and therefore, the Tahsildar, Arakkonam has rejected the same on the ground that the land is classified as 'Thoppu Poramboke'.

7. The learned Additional Government Pleader appearing on behalf of the respondents relying on the counter-affidavit filed by the Tahsildar, states that the land comprised in Survey No.23 of Karikkal Village is classified as 'Public Thoppu Poramboke' as per the revenue records vested with the Village Panchayat concerned, the petitioner has not come forward to adopt a resolution for the eventual assignment of land and there is no alternative land available in Karikkal Village for assignment of the same in favour of the petitioner. Thus the request of the petitioner is unacceptable.

8. May that as it be, the Court cannot issue any direction to assign the public 'Thoppu Poramboke' in favour of private individuals. It is



a decision to be taken by the Competent Authorities in the interest of public and the petitioner cannot claim assignment as a matter of absolute right.

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9. That being the case, the decision taken by the Tahsildar for rejecting the application to grant patta cannot be construed as infirm or perverse, as the petitioner-Sangam providing some service to the Society, they cannot claim assignment as a matter of right. Therefore, the relief, as such, sought for in the present writ petition cannot be granted.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

07-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

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