



W.P. No.1813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.1813 of 2023

A.Kaliammal

... Petitioner

Vs.

1.The District Collector,
Erode District.

2.The District Revenue Officer,
Erode District.

3.The Revenue Divisional Officer,
Erode District.

4.The Tahsildar,
Thalavadi, Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents from dispossessing the petitioner from the lands measuring an extent of 2.84 Acres in Survey No.18/2B of Thalavadi Village, Thalavadi Taluk, Erode District and directing the 4th Respondent to consider the representations of the petitioner dated 06.06.2022 and 13.07.2022 and to issue patta to the petitioner for the land admeasuring an extent of 2.84 Acres in Survey No.18/2B in Thalavadi Village, Thalavadi Taluk, Erode District.



WEB COPY



W.P. No.1813 of 2023

For Petitioner : Mr.T.Saikrishnan
For Respondents : Mr.P.Sathish
Additional Government Pleader
ORDER

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents from dispossessing the petitioner from the lands measuring an extent of 2.84 Acres in Survey No.18/2B of Thalavadi Village, Thalavadi Taluk, Erode District and directing the 4th Respondent to consider the representations of the petitioner dated 06.06.2022 and 13.07.2022 and to issue patta to the petitioner for the land admeasuring an extent of 2.84 Acres in Survey No.18/2B in Thalavadi Village, Thalavadi Taluk, Erode District.

2. The petitioner has given a representation on 06.06.2022 and 13.07.2022 to the respondent Revenue Department for issuance of patta for the land at S.No.18/2B, Thalavadi Village, Thalavadi Taluk, Erode District to an extent of 2.84 acres and in order to consider those representations and till such time seeking a prohibitory order from this Court restraining the respondent Revenue Department from dispossessing the petitioner, the present writ petition has been filed with the aforestated prayer.



W.P. No.1813 of 2023

WEB COPY

3. Heard Mr.T.Saikrishnan, learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

4. The learned counsel for the petitioner would submit that, it is the simple prayer to consider the representations submitted by the petitioner and therefore a mandamus can be issued to the respondents to consider those representations and till such time the physical possession of the property in question cannot be dispossessed from the petitioner, hence the learned counsel seeks indulgence of this Court to issue a writ of mandamus.

5. The learned Additional Government Pleader would submit that, it is admittedly a Government Poramboke or Anadheenam land. When that being so, no possessory right even can be claimed by any one including the petitioner.

6. When that being the position, the petitioner merely has given a representations dated 06.06.2022 and 13.06.2022 the same having been



W.P. No.1813 of 2023

forwarded by the District Revenue Officer, Erode to the Tahsildar concerned to take action on the said representations that cannot be taken advantage by the petitioner to seek for a patta for the entire stretch of 2.84 acres of the land which is a very valuable land from the point of view of the Government, therefore such kind of prayer cannot be granted as no writ can be issued for the petitioner for getting such vast extent of land.

7. The learned Additional Government Pleader would also submit that, if at all the petitioner is a landless poor even to construct a dwelling house under the Scheme being envisaged by the Government, patta would be given for house sites of 3 cents of land for such landless poor and even under that category whether the petitioner would be entitled to get it or not is to be examined by the revenue authorities by conducting enquiry locally and thereafter only even that kind of plea can be considered, he contended.

8. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



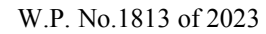
W.P. No.1813 of 2023

WEB COPY 9. As has been rightly pointed out by the learned Additional Government Pleader for the respondents, the petitioner has no right to seek for a patta for the Government land to the extent of 2.84 acres.

10. In this context, it is the contention of the learned counsel appearing for the petitioner that, the neighbouring land owners, who had also been in occupation of the Government land similar to that of the petitioner, was able to get patta for more than 7 acres and since that has been given by the Government to a neighbouring land owner why not the petitioner be considered to that extent and the same gesture can be shown to the petitioner.

11. The said comparison as made by the learned counsel appearing for the petitioner for getting order from the Revenue Department for issuance of patta for the large extent of Government poramboke land is not in consonance with any law or any provisions of the Act.

12. If at all the petitioner is in occupation of the Government poramboke land, the provisions of Act 5/1905 i.e. Land Encroachment



13. When that being so, this Court is not inclined to give any
 ion to the respondents to consider the representation of the
 oner for the purpose of grant of patta to the entire extent of 2.84
 of land at the said survey number referred to above.

14. But at the same time, if at all the respondents wants to consider the plea of the petitioner for grant of house site patta to the extent of 3 cents under the Scheme being envisaged by the Government, they can very well consider the same and such kind of gesture can be shown to the petitioner beyond which the petitioner since is not entitled to get any patta for any larger extent of land as no such right is available with the petitioner, this Court is inclined to dispose of this writ petition with the following order:

(i) There shall be a direction to the respondents to



W.P. No.1813 of 2023

WEB COPY

consider the representations of the petitioner dated 06.06.2022 and 13.07.2022 and accordingly consider the plea of the petitioner for issuance of patta for the assignment of land only to the extent of 3 cents of land for the purpose of house site provided if the petitioner establishes his entitlement that he is poor and does not have any land or site even to construct a dwelling house and after satisfying the same, the revenue authorities can act upon on the representations of the petitioner.

(ii) Insofar as the plea raised by the petitioner in respect of the neighbouring land owner such a plea for a larger extent of more than 7 acres for issuance of patta having been considered was granted is concerned, that can also be verified and an enquiry to that extent if need arises, can be made by the revenue authorities and if unnecessarily Government lands are given patta to the larger extent by the revenue authorities for the reasons best known to them, the 1st respondent District Collector can enquire the matter and do the remedial measure to retrieve the land of the



W.P. No.1813 of 2023

Government if it is wrongly given patta to any third party

WEB COPY as claimed by the petitioner.

15. With these directions, this Writ Petition is disposed of. No costs.

25.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

- 1.The District Collector,
Erode District.
- 2.The District Revenue Officer,
Erode District.
- 3.The Revenue Divisional Officer,
Erode District.
- 4.The Tahsildar,
Thalavadi, Erode District.



WEB COPY



W.P. No.1813 of 2023

R.SURESH KUMAR, J.

Sgl

W.P.No.1813 of 2023

25.01.2023