



WEB COPY



W.P.Nos.14556 to 14564 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.14556 to 14564 of 2015 and
M.P.No.1 of 2015

[W.P.No.14556 of 2015]

A.Amsavalli

.. Petitioner

vs

1. The District Collector
Kancheepuram District.

2. The Tahsildhar
Sholinganallur Office
Chollinganallur Taluk
Chennai – 600 119.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner application for issuance of patta for property bearing Survey No.23/1A1, Door No.129, Velachery Main Road, Pallikaranai Village, Chennai by considering the representation dated 14.07.2014 and 09.02.2015 made by the petitioner in the light of the judgment and decree dated 11.04.2014 passed by the learned Additional District Munsif, Alandur in O.S.No.580 of 2011 and in the light of various pattas being granted by the respondents themselves to the adjacent land owners and grant patta.

For Petitioner in
all W.Ps

:

Mr.T.Panchatsaram

For Respondents
in all W.Ps

:

Mr.T.Arun Kumar
Additional Government Pleader



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3. The petitioners have consequently filed the present writ petitions seeking relief to direct the respondents to consider the applications submitted by the petitioners for issuance of patta.

4. The learned Additional Government Pleader appearing on behalf of the respondents relied on the counter and made a submission that the petitioners have filed a petition individually with a prayer to consider the petitioners' applications for the issuance of patta in Survey No.23/11, measuring 5.31.5 hectares classified as grazing ground poramboke in Pallikkaranaï Village and in the light of judgment and decree passed by the District Munsif Court, Alandur in O.S.No.580 of 2011 and in the light of various pattas being granted by the respondents to the adjacent land owners.

5. He would further submit that all the petitioners, except Tmt.A.Amsavalli, were not encroachers in Survey No.23/1A1 of Pallikkaranaï Village. All the petitioners have stated that they purchased the poramboke land on proper sale deed, therefore, any sale transaction on poramboke land should be considered as illegal.



6. The grazing ground poromboke in Pallikkaranai Village is protected and a Division Bench of this Court has also issued directions to the authorities to preserve the marsh land for the purpose of protecting the environment. Thus, no patta can be issued to encroach upon the Pallikkaranai marsh land, which is to be preserved for the purpose of protecting the environment. In the present case, the petitioners claim that they are in occupation of the portion of the land and as per the petitioners, it is not a marsh land, but it is a “meikal” poromboke.

7. Even in that case, the petitioners cannot be allowed to encroach upon, since the said land belongs to the Government. Encroachment in any form of the Government land, at no circumstances, be permitted and all such properties are to be utilized for the implementation of public schemes in the interest of the public. Therefore, the claim of the writ petitioners for grant of patta cannot be considered. The respondents are directed to verify the revenue records, survey the land properly and thereafter, initiate all appropriate actions to evict the encroachers by following the procedures as contemplated under the statute and Rules in force.



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8. With these directions, the writ petitions stands disposed of.

There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index : Yes/No
Neutral Citation : Yes/No

25.04.2023

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To:

1. The District Collector
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S.M. SUBRAMANIAM, J.

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