



WEB COPY

W.P.No.9891 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9891 of 2018

1. N.Jangamareddi,
S/o.Nagappa Reddi

2. J.Chandrasekaran,
S/o.Jangamareddi

... Petitioners

Vs.

1. The District Collector,
Erode, Erode District.

2. The District Revenue Divisional Officer,
Erode.

3. Revenue Divisional Officer,
Gobichettipalayam.

4. The Thasildar,
Office of Thasildar,
Anthiyur Taluk, Erode District.

5. The Inspector of Land Revenue,
Ammamet, Salem – 636 003.

... 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 pertaining to the impugned memo issued by the 1st respondent in Na.Ka.No.15413/2013-U4, dated 14.10.2017 and quash the same and consequentially issue direction directing the 1st respondent to assign the land by sale as per the recommendation of 2nd respondent dated 24.06.2016.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The Writ on hand has been instituted challenging the memo issued by the District Collector, Erode.

2. The petitioners state that they are residing in the subject property for several years. The petitioners approached the Government for grant of patta in respect of S.Nos.46/2 and 46/3 at Komarayanur Village, Thotikinaru. The application submitted by the petitioners for grant of patta was rejected through the impugned order dated 14.10.2017 on the ground that the subject land is a street poromboke land. In this regard, the respondents have



elaborately stated the details and classification of the land as under:

“3.The petitioners both are residing at Thotikinaru, Komarayanur Village, Anthiyur Taluk, Erode District have encroached a portion of the land bearing R.S.No.46 admeasuring and extent of 1.47.5 Hectares of Komarayanur Village, Anthiyur Taluk of Erode District. It is submitted that the land was recorded in the revenue and classified as Sarkar Poramboke – Salai (Government Poramboke – Road) for the public use. On the encroachment portion in the above land the petitioners have been cultivating some crops. Since the road encroachment was highly objectionable the petitioners have been asking to vacate the land and or otherwise buildings if any are to be seized and in consequences the No.7 Notices under the Tamil Nadu Encroachment Act, 1905 were served on them. In spite the repeated order the petitioners have not vacate the land and they have been levied the penalty as prescribed. Instead of vacating from the Road Poramboke Land they have applied for the assignment of the land is untenable.

I respectfully submit that on receipt of application from the petitioners the Revenue Divisional Officer, Gobichettipalayam has inspected the land and concluded that during the Re-survey work the land was to be classified as Salai – Poramboke (Road-Poramboke) instead of Assessed Waster land and was fit for land assignment. In turn the



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Tahsildar, Bhavani (before bifurcation of Bhavani Taluk into Bhavani and Anthiyur) was instructed to send the proposals for land assignment to the petitioners. The Tahsildar, Bhavani and Anthiyur have submitted the proposals to the 1st respondent through the Revenue Divisional Officer, Gobichettipalayam after adopting the necessary procedures and recommend the land to assign to the petitioners.

I respectfully submit that on receipt of the above said proposals after the verification of the records scrupulously and nature of the classification of the land, the 1st respondent has rejected the application of the petitioners in his Memorandum Na.Ka.15413/2013 U4 dated 14.10.2017 quoted the valuable reasons as “the proposals of the Revenue Divisional Officer, Gobichettipalayam for the recommendation on the application of the petitioners for issuing the land assignment for an extent of 0.82.40 Hectares in the land bearing R.S.No.46 admeasuring 0.47.50 Hectares of Komarayanur Village of Anthiyur Taluk towards the land cost have been perused. It is submitted that since the Government lands are being shrink in the Erode District and the land was classified as Salai Poramboke and considering the future needs it is hereby informed the petitioners that the application seeking the land assignment is hereby rejected” and the memorandum were served on to the petitioners dated 14.10.2017 of the 1st respondent.”



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3. Hence, the petitioners are encroachers and the extent of encroachment is about 1.47.5 Hectares, which is about 3.6 Acres. In the event of allowing the encroachment to the larger extent in respect of the Government land, the same would cause prejudice to the interest of the public. Assignment of Government Lands are to be made scrupulously following the terms and conditions stipulated under the welfare scheme and to the land less poor people. Eligibility criteria fixed under the scheme is to be followed even for assignment of the land.

4. However, in the present case, the petitioners have encroached the Government lands extending 3.6 acres. Thus, the order of rejection issued by the District Collector, Erode is in consonance with the principles and there is no infirmity as such. The respondents are directed to conduct field inspection and initiate action to evict the encroachers and retain the Government land for public usage in the manner contemplated.

The aforesaid exercise is directed to be completed within a period of four(4) weeks from the date of receipt of a copy of this order.



With these observations, this writ petition stands dismissed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes/No

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To

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