



WEB COPY

W.P.No.19009 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 05.06.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.19009 of 2013**

**and**

**M.P.Nos.1 & 2 of 2013**

Gomathi

... Petitioner

Vs.

1.The District Collector  
District Collector Office  
Theeran Chinnamalai Maligai  
Erode District  
Erode – 11.

2.The Thasildar  
Thasildhar Office  
Erode.

3.Lakshmi

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records sequel to the impugned patta issued by the second respondent dated on 15.06.2010 and to quash the same consequently direct the respondents to issue the patta in favour of the petitioner on pursuant to the petitioner representation dated 24.06.2013.



WEB COPY

W.P.No.19009 of



|                |                                                    |
|----------------|----------------------------------------------------|
| For Petitioner | : Mr.R.Thirumoorthy                                |
| For R1 & R2    | : Mr.T.Arun Kumar<br>Additional Government Pleader |
| For R3         | : Mr.M.Guru Prasad                                 |

### **ORDER**

The patta issued in favour of the 3<sup>rd</sup> respondent in proceedings dated 15.06.2010 is under challenge in the present writ petition.

2. The petitioner states that she own a house along with the land to an extent of 2½ cents. The family of the petitioner is residing in the premises. The petitioner states that she is continuously paying tax to the said property and submitted an application seeking patta. The case of the 3<sup>rd</sup> respondent was considered and patta was granted. However, the petitioner was not issued with patta and thus, she is constrained to move the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 made a submission that the petitioner is in occupation of the Government land. The entire area is the Government Poramboke land and therefore, the petitioner is an encroacher and not entitled



W.P.No.19009 of

to seek the relief of patta from this Court. The authorities competent has not granted patta in view of the fact that the petitioner is an encroacher. Whether the 3<sup>rd</sup> respondent is also an encroacher or not, is to be verified by the respondents 1 and 2. However, the fact remains that the petitioner is in occupation of the Government Poramboke land and therefore, the relief as such sought for to grant patta by citing the case of the 3<sup>rd</sup> respondent cannot be granted.

4. The respondents 1 and 2 are directed to conduct a field inspection and ascertain the factual position and initiate all appropriate action in the manner known to law.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

**05.06.2023**  
(1/4)

Jeni  
Index : Yes  
Speaking order  
Neutral Citation : Yes



To

1.The District Collector  
District Collector Office  
Theeran Chinnamalai Maligai  
Erode District  
Erode – 11.

2.The Thasildar  
Thasildhar Office  
Erode.

W.P.No.19009 of





WEB COPY



W.P.No.19009 of

**S.M.SUBRAMANIAM, J.**

Jeni

**W.P.No.19009 of 2013**

**05.06.2023**  
(1/4)