



WEB COPY

WP No.10514 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.10514 of 2021

And

WMP No.11101 of 2021

Suguna

... Petitioner

Vs.

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The District Revenue Officer,
Villupuram District,
Villupuram.
- 3.The Additional District Collector,
(Revenue In-charge),
Villupuram District,
Villupuram.
- 4.Mayavan
- 5.Subramani
- 6.Murugan



7.Senthil

8.Sankar

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records vide Na.Ka.No.10/28952/2020 on the file of the second respondent dated 12.01.2021 to quash the same as illegal, incompetent and without jurisdiction and further direct the second respondent to issue patta in favour of the petitioner.

For Petitioner : No Appearance

For Respondents-1 to 3 : Mr.C.Jayaprakash,
Government Advocate.

For Respondents-4 to 8 : Mr.E.C.Ramesh

ORDER

The order passed by the second respondent in proceedings dated 12.01.2021 rejecting the claim of the writ petitioner for grant of free house-site patta, is under challenge in the present writ petition.

2. The petitioner states that her husband is running a Cycle Repair Shop for the livelihood of his family. The petitioner further states that



she is not owning any land in her name. They are in occupation of the land belonging to the Government. The petitioner states that their family is living in the subject property for many years and accordingly submitted an application for grant of patta.

3. The case of the writ petitioner was considered by the Competent Authorities. The Authorities found that the subject property is classified as 'Government Poramboke Kallanguthu'. The subject property is situate, which is part of water body and more-so, the said lands are required for public purposes.

4. The respondents have stated that said lands classified as 'Government Poramboke Kallanguthu' cannot be allotted in favour of private persons for the purpose of construction of houses. The subject property is part of water body and more-so required for public purposes. On verification, the Authorities found that the family members of the petitioner are owning certain properties in the same village in Survey No.192/5.

5. When the family members of the petitioner are owning a land



in the very same village, the petitioner is not entitled for free house site patta under the Government Scheme. The encroached portion of the land is required for public purposes and thus the Competent Authorities rejected the claim of the writ petitioner for grant of free house site patta.

6. Free house site patta cannot be claimed as an absolute right.

Free house site patta is to be granted only to the homeless poor people and subject to eligibility under the terms and conditions of the Scheme.

7. In the present case, the eligibility as well as the encroachment made by the petitioner were considered by the Competent Authorities and the Authorities found that the petitioner's family is not a landless poor family and more-so, the subject property is the water body, which is required for public purposes. Thus, this Court do not find any infirmity in respect of the reasonings stated in the order impugned, which is in consonance with the principles.



8. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

08-08-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The District Revenue Officer,
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Villupuram.
- 3.The Additional District Collector,
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S.M.SUBRAMANIAM, J.

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