



W.P.No.37194 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.07.2023**

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

**W.P.No.37194 of 2015 &**  
**M.P.No.1 of 2015**

K.Krishnasamy

...Petitioner

Vs.

1.The District Collector,  
Cuddalore District, Cuddalore.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Cuddalore.

3.The Tahsildar,  
Kurinjipadi Taluk,  
Cuddalore District.

4.The Inspector Police,  
Vadalur, Cuddalore District.

5.The Panchayat President,  
Arangamangalam,  
Village Panchayat,  
Vadalur Post,  
Cuddalore District.

..Respondents



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**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of impugned proceedings in a1/3238/2014 dated 23.04.2015 passed by the third respondent herein and quash the same as illegal and direct the third respondent to issue regular patta to the petitioner's land comprised in Rasakuppam Village in Elango Nagar, Vadalur Post, Kurinjipadi Taluk, Cuddalore District S.No.69/5 to the extent of 60 cents.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents 1 to 4: Mr.C.Jayaprakash,  
Government Advocate

For Respondent 5 : No appearance

### **ORDER**

The order dated 23.04.2015 passed by the Tahsildar, Kurinjipadi is under challenge in the present writ petition.

2. The writ petitioner states that he is the absolute owner of the lands measuring to an extent of 2.52 ares and in between his land, poramboke land situates in S.No.69/5 measuring 60 cents. The petitioner claims that they are in continuous possession and enjoyment of the Government



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Poramboke Land and therefore, an assignment is to be granted in his favour.

Since the Inspector of Police, Vadalur has initiated action, the petitioner submitted an application seeking for assignment of the Government Poramboke Land. The application was not considered and earlier the writ petitioner filed W.P.33134/2014 and this Court passed an order dated 16.12.2014 directing the District Collector, Cuddalore to consider the representation of the petitioner dated 26.11.2014 and pass appropriate orders on merits. Pursuant to the directions issued by this Court, the Tahsildar, Kurinjipadi passed an order in the impugned proceedings dated 23.04.2015 stating that the petitioner is the owner of the vast extent of land and in between his land, Government Poramboke land situates.

3. Learned Government Advocate on instructions made a submission that the Government has decided to construct Tahsildar Office in the said land by evicting the encroachers. Steps are taken to consider the allotment of landless poor people to any other available place by following the procedures. It is contended that the subject property has already been taken over by the Government and the land is with the possession of the Government. Therefore, the claim of the writ petitioner for grant of



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assignment cannot be considered. If at all any encroachment is identified in the said land, the Government authorities are bound to evict and utilise the property for the benefit of the public at large either by constructing Taluk Office or for any other purposes for public usage. As far as the petitioner is concerned, he is owning a vast extent of land and therefore, he is not entitled for assignment of Government land at free of costs or otherwise.

4. Learned counsel for the petitioner states that this Court directed the District Collector, Cuddalore to pass the orders, but the Tahsildar, Kurinjipadi passed the orders. Since the Tahsildar is the original authority, the District Collector is empowered to relegate the powers to the Tahsildar for the purpose of conducting an enquiry and passing an order. Therefore, the impugned order cannot be said to be invoked.

5. In view of the fact that the petitioner is owning property, he is ineligible for any assignment from the hands of the Government. Further, the subject property is a Government Poromboke Land and is with the possession of the Government.



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6. Thus, the petitioner is not entitled for the relief as such sought for in the present writ petition. Even if the petitioner is in illegal possession of the Government Poromboke land, he is liable to be evicted from the Government Poromboke land.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes  
Speaking order



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

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