



WEB COPY

W.P.Nos.9592, 9598, 9603 & 9605 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.9592, 9598, 9603 & 9605 of 2023 &
W.M.P.Nos.9642, 9648, of 2023

K.Saraswathi	... Petitioner in W.P.No.9592 of 2023
C.Malathi	... Petitioner in W.P.No.9598 of 2023
Abilesha	... Petitioner in W.P.No.9603 of 2023
N.Kalaiselvi	... Petitioner in W.P.No.9605 of 2023
	Vs.

1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The Collector,
Collectorate Campus,
Sathuvachari,
Vellore District,
Vellore - 632 009.

3.The District Revenue Officer,
B-Block, 4th Floor,
Collectorate Campus,
Sathuvachari, Vellore – 632 009.

4.The Tahsildar,
Taluk Office,
K.V.Kuppam Taluk,
Vellore District.

... Respondents in all W.Ps.



Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant patta in favour of the petitioner herein in respect of the said property by considering the petitioner's representation dated 27.06.2022 and till then forbearing the respondents, their men, Subordinates and servants from evicting the petitioner from the property bearing Door Nos. 1/572/3, 1/572, 1/572/2 & 1/572/1, Kollaimedu, Letheri, K.V.Kuppam Taluk, Vellore District, comprised in S.No. 460/2 situate at Letheri Village, K.V. Kuppam Taluk, Vellore District.

For Petitioner
in all W.Ps. : Mr.P.Mathivanan

For Respondents
in all W.Ps. : Mr.D.Ravichander,
Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions is to direct the respondents to grant patta in favour of the respective petitioners in respect of the properties morefully described in these writ petitions.

2. The respective petitioners state that they are residing in their houses constructed in the land comprised in S.No.460/2 situated at Letheri Village, K.V. Kuppam Taluk, Vellore District, which is classified as Poramboke land in revenue records.



3. The learned counsel appearing on behalf of the petitioners mainly contended that the petitioners are in occupation of the said land for about 50 years and have put up constructions and residing there. Thus, they submitted separate applications to allot the said land in their favour. Since the authorities have not considered, the petitioners are constrained to move these writ petitions.

4. The learned Special Government Pleader drew the attention of this Court with reference to the statements made by the petitioners in their affidavits filed in support of these writ petitions. The petitioners in paragraph 6 of their affidavits have stated as follows:

“6. I submit that since the land comprised in Survey No.460/2 is classified as poromboke land in the revenue records, my father-in-law, mother-in-law and my husband made several representations to the respondent for allot the said land to them and for grant patta in their favour. I submit that in spite of their repeated request, the respondents have not grant patta to them.”

5. In the context of the encroachment made by the petitioners, it is further contended by the respondents in their counter affidavit that the Senior



Section Engineer of Southern Railway in his letter

No.18/Katpadi/Sr/Dated:17.06.2022, categorically viewed that the lands in S.No.460/1 and 460/2 of Latheri Village, belongs to Southern Railway and the writ petitioners have illegally encroached upon the above land and constructed houses, without obtaining prior permission from the revenue officials. The Railway officials have requested the respondents 2 to 4 to evict the encroachers and hand over the possession of the land to the Southern Railway. In view of the fact that the Railway Department has initiated action, few such encroachers have approached the High Court seeking allotment of the said land belonging to the Southern Railways.

6. In respect of the land belonging to the Railway, the Court cannot issue any direction to allot or assign the land. The land is kept vacant for the development of the Railway projects which is of public importance. Thus, the claim of the writ petitioners to allot the land cannot be considered by the Authorities.

7. In view of the fact that the petitioners are found to be the encroacher of land belonging to the Southern Railway, the Revenue authorities as well as



the Railway authorities are empowered to evict the encroachers from the subject property by following procedures as contemplated. Thus the respondents are empowered to evict the encroachers by following the procedures.

8. With these observations, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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