



WEB COPY

W.P.No.9882 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9882 of 2023

and

W.M.P.No.9948 of 2023

Tmt. Ellammal

... Petitioner

Vs.

- 1.The District Collector of Villupuram,
Collectorate, Villupuram,
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Villupuram,
Villupuram District.
- 3.The Revenue Tahsildar,
Taluk Office,
Vanur Taluk,
Villupuram District,
- 4.The Block Development Officer,
Kazhuperumbakkam Panchayat Board,
Vanur Taluk,
Villupuram District.
- 5.The President,
Kazhuperumbakkam Panchayat Union,
Vanur Taluk,
Villupuram District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 4th Respondent herein from constructing any building on the Kali Natham lands of the Petitioner viz., the lands measuring 0.03 cents (1308 Sq.ft) comprised in Kali Natham New Survey No.208/24, Old Resurvey No.175/4-2.92.5 pending representation before the Respondents 1 to 3 to conduct an enquiry and make necessary entry in “A” register of No.35, Kazhuperumbakkam village, Vanur Taluk, Villupuram District and issue Patta in the name of the petitioner for the her above lands.

For Petitioner	: Mr.R.Agilesh
For R1 to R3	: Mr.A.M.Ayyadurai Government Advocate
For R4 and R5	: Mr.P.Ganesan

ORDER

The relief sought for in the present writ petition is to forbear the 4th Respondent herein from constructing any building on the Kali Natham lands of the Petitioner viz., the lands measuring 0.03 cents (1308 Sq.ft) comprised in Kali Natham New Survey No.208/24, Old Resurvey No.175/4-2.92.5 pending representation before the Respondents 1 to 3 to conduct an enquiry and make necessary entry in “A” register of No.35, Kazhuperumbakkam



village, Vanur Taluk, Villupuram District and issue Patta in the name of the petitioner.

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2. The learned counsel for the petitioner states that the petitioner is in occupation of the Kali Natham land, which she got through her husband. Admittedly, there is no assignment or allotment in favour of the petitioner in respect of the said Natham land. The petitioner merely states that she is in occupation of the land. Now the 4th respondent / Block Development Officer is initiating steps to take possession of the land and therefore, the petitioner is constrained to move the present writ petition.

3. The learned Government Advocate appearing on behalf of the respondents 1 and 3 made a submission that it is not a natham land, and the land is classified as Gramma Natham Poramboke. The learned Government Advocate reiterates that the petitioner is in illegal occupation of the Government land and the subject land has not been allotted in favour of any person. If at all the petitioner is eligible she has to submit an application to the competent authorities, so as to consider for allotment as per the terms and conditions of the scheme.



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4. In the present case, the petitioner has not been allotted with any such land. Therefore, the relief as such sought for cannot be granted. If at all any scheme granting free patta is formulated and that has been sanctioned by the Government, then all the eligible landless poor persons are to be considered without any discrimination, including the petitioner. However, the petitioner cannot occupy any such land and claim right over the property.

5. Accordingly, this Writ Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

30.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector of Villupuram,
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Villupuram District.



3. The Revenue Tahsildar,
Taluk Office, Vanur Taluk,
Villupuram District,

4. The Block Development Officer,
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5. The President,
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S.M.SUBRAMANIAM, J.

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