



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12563 of 2021

And

WMP No.13353 of 2021

1.S.Lakshmi
2.R.Vimala
3.N.Selvi
4.S.David Paul Raj
5.E.Kumar
6.M.Shanthi Priyanka
7.J.Shankari

... Petitioners

Vs.

1.The District Collector,
Chennai District,
Chennai.

2.The Tahsildar,
Guindy Taluk,
Guindy Taluk Office,
Chennai-600 032.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein to issue patta to the petitioners for the land comprised in TS No.5, Block No.3, Muneeswaran Nagar, New Naagi Reddy Garden Extension, Guindy, Chennai-600 032, measuring an extent of 2 to 1-1/2 cents, in the light of G.O.Ms.No.34, dated 23.01.2008 and also G.O.Ms.No.318, dated 30.08.2019.

For Petitioners : Mr.K.Venkataswamy Babu
For Respondents : Mr.D.Ravichander,
Special Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the second respondent herein to issue patta to the petitioners for the land comprised in TS No.5, Block No.3, Muneeswaran Nagar, New Naagi Reddy Garden Extension, Guindy, Chennai-600 032, measuring an extent of 2 to 1-1/2 cents, in the light of G.O.Ms.No.34, dated 23.01.2008 and also G.O.Ms.No.318, dated 30.08.2019.



2. The petitioners state that they are in possession and enjoyment of the 1-1/2 cents to 2 cents of land comprised in TS No.5, Block No.3, Muneeswaran Nagar, New Naagi Reddy Garden Extension, Guindy, Chennai-600 032. The petitioners further state that they are in possession and occupation of the above land for more than 10 years and the Authorities have issued Aadhaar Card, Ration Card etc.

3. The Government issued Scheme for grant of patta to the homeless poor people. Under the said Government Scheme, the petitioners are entitled for free house site patta. Since the petitioners are in possession and occupation of the land in Guindy, the patta is to be granted in their name in respect of the land in their possession.

4. The representation submitted by the petitioners reveals that some third parties are attempting to dislocate the petitioners and they have filed complaint before the Police. Further representations are sent to the District Collector, Chennai District for grant of patta to the petitioners.



5. The learned Special Government Pleader, appearing on behalf of the respondents, through Google Map shown that the subject property is situated in SIDCO Industrial Estate at Ekkaduthangal, Guindy, Chennai-600 032 and the respondents are bound to verify whether the petitioners are encroacher or otherwise. If the petitioners are in encroachment of the industrial lands or the Government property, then they are liable to be evicted by following the procedures as contemplated under the Land Encroachment Act or the relevant Statutes in force.

6. As far as the claim of the petitioners for grant of patta is concerned, the Government may consider the claim of the petitioners for grant of free house site patta subject to their eligibility and suitability and in a place where such Scheme has been implemented.

7. It is needless to state that Welfare Schemes for grant of patta is to be considered in respect of the eligible homeless poor people and without discriminating all other eligible persons, who all are waiting for such free house site pattas. It is not as if the person can encroach upon the Government property or the property belonging to Industrial Sector and



thereafter claim patta. The said approach at no circumstances be encouraged.

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8. If at all the petitioners are eligible for free house site patta, they have to submit appropriate applications before the Competent Authorities, who in turn has to consider the claim in accordance with the terms and conditions of the Scheme after verifying the eligibility of the applicants. Thus the encroachment of public property would not confer any claim or patta or right.

9. In the present case, the writ petitioners have not established their right and their mere occupation would not confer any further right to claim patta. Thus the petitioners are at liberty to submit appropriate application under the Government Welfare Schemes, if any, exist and in the event of any such applications being made, their cases are to be considered scrupulously in accordance with the terms and conditions stipulated in the Scheme.



10. As far as the present writ petition is concerned, if the petitioners are the encroachers in respect of the Government land, the Authorities Competent have to conduct a Field Inspection and initiate all appropriate actions in the manner known to law.

11. With the above observations, 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,
Chennai District,
Chennai.

2. The Tahsildar,
Guindy Taluk,
Guindy Taluk Office,
Chennai-600 032.

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S.M.SUBRAMANIAM, J.

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