



W.P.No.11670 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11670 of 2023

and

W.M.P.Nos.11568 to 11570 of 2023

E.Kalamani

... Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Revenue Divisional Officer,
Kundrathur Taluk,
Kancheepuram District.

3.The Revenue Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

4.The Sub-Registrar,
Padappai SRO,
Kundrathur Taluk,
Kancheepuram District.

... Respondents



WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Na.Ka.No.200/2023/A2 dated 23.01.2023 passed by the 2nd respondent, quash the same and consequently forbear the respondents from interfering with petitioner's right to property measuring 1.90 acres bearing S.F.No.49, Salamangalam Village, Kundrathur Taluk, Kancheepuram District by considering the representations dated 06.03.2023, 08.03.2023 and 12.03.2023.

For Petitioner	: Mr.N.Manoharan
For Respondents	: Mr.T.Venkateshkumar, Special Government Pleader

ORDER

The order of the Revenue Divisional Officer, Sriperumbudur in Proceedings dated 23.01.2023 for re-classification of the lands from poromboke to Grama Natham is under challenge in the present Writ Petition.



WEB COPY

2. Admittedly, the petitioner has encroached upon the Government poromboke land to an extent of 1.90 acres in Salamangalam Village, Kundrathur Taluk, Kanchipuram District. Kundrathur District is now falling under the Chennai city belt area.

3. On account of urbanization, the Government has re-classified the Government poromboke lands as Grama Natham for the purpose of distribution of such lands to the said property to the homeless poor people for constructing houses under the Government Welfare Schemes. Such classification in consonance with the principles of social justice is to be achieved under the Constitution of India and also under the directive principles of State policy. Equal distribution of lands is the constitutional goal, which is to be achieved by implementing Welfare Schemes and by distributing the lands in an equal manner.

4. In the present case, the petitioner himself is an encroacher of Government land and therefore, he has no right. Admittedly, notice under Section 17 of the Tamil Nadu Land Encroachment Act, 1905 was issued on



29.12.2022 and the petitioner has submitted a reply on 06.01.2023. The competent authority passed final orders under Section 6 of the Act on 19.01.2023, evicting the petitioner from the encroached land. On 21.01.2023, the petitioner has preferred an appeal before the District Collector, which is pending.

5. Mere pendency of an appeal is not a bar for re-classification of land by the authorities for the purpose of implementation of Government Schemes. The petitioner admittedly is an encroacher of the Government land and therefore, he has no right to question the re-classification done by the competent authorities for implementing the Social Welfare Schemes. Already, an order of eviction was passed by the competent authority under Section 6 of the Land Encroachment Act, 1905.

6. This being the factum, the petitioner is not entitled for the relief, as such sought for in the present Writ Petition and the respondents are directed to evict the encroachers and resume the land for the purpose of implementation of the Social Welfare Schemes and distribute the lands to the homeless poor people for the purpose of construction of houses under the Central / State Government Schemes, which is in force. The said exercise is directed to be completed within a period of two (2) weeks from the date of receipt of a copy of this order.



7. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

05.09.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The District Collector,
Kanchipuram District,
Kanchipuram.
- 2.The Revenue Divisional Officer,
Kundrathur Taluk,
Kancheepuram District.
- 3.The Revenue Tahsildar,
Kundrathur Taluk,
Kancheepuram District.
- 4.The Sub-Registrar,
Padappai SRO,
Kundrathur Taluk,
Kancheepuram District.



WEB COPY

W.P.No.11670 of



S.M.SUBRAMANIAM, J.

skr

W.P.No.11670 of 2023

05.09.2023