



W.P.No.12311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12311 of 2023
and
W.M.P.Nos.12142 & 12143 of 2023

G.K.Pushpa

...Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Kanchipuram District.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Kanchipuram District.
- 3.The Revenue Divisional Officer,
Office of the District Revenue Officer,
Sriperumbudur Taluk,
Kanchipuram District.
- 4.The Thasildhar,
Office of the Thasildhar,
Sriperumbudur Taluk,
Kanchipuram District.
- 5.The Revenue Inspector,
Office of the Revenue Inspector,
Sriperumbudur Taluk,
Kanchipuram District.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner representation dated 28.08.2021 for allowing the petitioner to use the and issuance of patta for the land in S.No.1383/4 measuring an extent of 0.68.0 ares in Sriperumbudur 'C' Village, Sriperumbudur Taluk, Kanchipuram District within the stipulated time has fixed by this Honourable court.

For Petitioner : Mr.E.D.Sethupathi

For R1 to R5 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to consider and dispose of the petitioner's representation dated 28.08.2021 for allowing the petitioner to use the and issuance of patta for the land in S.No.1383/4 measuring an extent of 0.68.0 ares in Sriperumbudur 'C' Village, Sriperumbudur Taluk, Kanchipuram District.

2. The petitioner states that the subject land, which was classified as 'Thoppu Poromboke' was with the possession of the petitioner and she was permitted to cultivate the land temporarily from the year 1962. The



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petitioner states that presently the subject land measuring 0.68.0 Hectares (approximately 2751.862 Sq.Mtrs) was under the temporary cultivation of the petitioner after the death of her father-in-law. Admittedly, the petitioner was not granted any assignment for patta. In the absence of any valid assignment or patta, the petitioner cannot retain the land in respect of the temporary cultivating permission granted in the year 1962.

3. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the land is a Government 'Thoppu Poromboke' and therefore, the petitioner cannot claim any right. Action was initiated to evict the encroachers from the Government Poromboke lands, since the land situated in Sriperumbudur is required for development of various projects.

4. The petitioner submitted a representation on 28.08.2021 for allowing the petitioner to use the land. Such representation, claiming immovable land belonging to the Government cannot be considered by this Court by merely directing the authorities to consider the representation. There is a possibility of creating files, which will lead to corrupt activities in the Government machinery. In the absence of establishing any such right, no



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writ needs to be entertained. The Court would be in a position to grant the relief only in cases, where right is infringed. The contention of the petitioner that she was permitted to cultivate the land temporarily in the subject property in the village at Sriperumbudur Taluk from the year 1962 cannot be a ground to permit her to occupy the land belonging to the Government at this length of time. The authorities competent has to initiate all appropriate steps to resume the land belonging to the Government and utilize the same for public purpose. If at all there are encroachers, all such encroachments are to be removed for the purpose of utilizing the land.

5. In respect of the claim of such poor homeless persons, they are at liberty to file an appropriate application before the Government to avail the benefit of any welfare schemes, if any notified. All such welfare schemes for the poor landless people also to be implemented strictly by providing equal opportunity to all the eligible persons.

6. As far as the case of the petitioner is concerned, she is not holding any valid document to establish her right over the property. Admittedly, the land is classified as 'Thoppu Poromboke'. Thus, the respondents are directed to ensure that the Government lands are protected and utilized for the



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benefit of the public at large.

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7. The petitioner if at all claims that she is a poor, homeless person, she may submit an application before the Government for availing the benefit of any welfare schemes, if any notified.

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

24.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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S.M.SUBRAMANIAM, J.

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