



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.13107 of 2018
and W.M.P.Nos.15408 & 15409 of 2018

Noorulla

.. Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
O/o.Ambur Tahsildar Office,
Ambur, Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property comprised of trees in Survey No.108 admeasuring to an extent of 2 Acres situated at Kizhmurungai Village, Ambur Taluk, Vellore District, except otherwise in accordance with law.

For Petitioner .. Mr.E.Sathiyaraj

For Respondents .. Mr.V.Jayaprakash Narayan
Special Government Pleader



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ORDER

Writ petition has been filed in the nature of Mandamus, restraining the respondents from interfering with the peaceful possession of the petitioner's property in Survey No.108 ad-measuring an extent of 2 acres at Kizhmurungai Village, Ambur Taluk, Vellore District.

2. After demise of his father, the petitioner and his mother along with other family members are residing in that particular place. It had been stated that the petitioner had also obtained Family Card and Adhaar Card. The said land had been converted as Natham Land. The petitioner has been issued with housing Patta in S.No.108/5, for an extent of 0.03 cents. Similarly, the respondents had also issued pattas to three brothers of the petitioner and also to his mother. It is stated that the second respondent was constructing buildings in the remainder portion of the said 2 acres. Objecting the same. the writ petition has been filed.

3. A counter affidavit had been filed on behalf of the respondents. In the counter affidavit, it had been stated that S.No.108 at Kizhmurungai



Village, Ambur Taluk, Vellore District, measuring totally 2.83.0 acres is Government Poramboke land and the said lands had been classified as un-assessed waste land and has been re-classified as Thopu Poromboke land. The father of the petitioner had encroached to the middle portion of the lands and had constructed a Cement Sheet Roof house. He was residing with his family. It had been stated that after the father died, the mother of the petitioner and the petitioner and another brother are residing in the said land. The Tahsildar had granted five house site pattas to the family members of the petitioner. It is however contended that the petitioner had laid a claim for the larger area of 2 acres and seeks protection.

4. The petitioner himself had enclosed the patta granted to him. The patta had been granted on 9.11.2017 by the Tahsildar, Ambur. It is for 0.0120 Sq.Mts or 0.03 cents. The petitioner can enjoy that land for residential purposes alone. He cannot enjoy or seek possession or title over other area. The petitioner should be thankful that the respondents had granted patta in his name. The lands were originally classified as Government Poromboke and later re-classified as un-assessed waste land and further re-classified as Thopu Poromboke. The father of the petitioner



had encroached to the middle of the lands of S.No.108, which originally measured nearly about 2 acres. Recognizing the possession of the petitioner and his family members, the respondents have granted five separate housing pattas to the family members of the petitioner.

5. So far as, the petitioner is concerned, he is entitled to 0.03 cents or 0.0120 Sq.Mts in accordance with the patta granted to him. He cannot enjoy any further area in that land. The nature of relief sought is misconceived. It is claimed that the respondents should not interfere with the entire area of 2 acres. The writ petition itself is not maintainable.

6. The respondents have allotted portions of the land to the Tamil Nadu Civil Supplies Corporation and have also entered only into the Government land. They are entitled to occupy the lands and to put up construction. The petitioner is entitled only for 0.03 cents as given in the patta. No more land can be enjoyed by the petitioner.

7. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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Index: Yes/No
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To

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Vellore.
2. The Tahsildar,
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Ambur, Vellore District.



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C.V.KARTHIKEYAN,J.

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