



W.P.No.21611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21611 of 2023

A.Ajeem

... Petitioner

Vs.

1. The District Collector,
District Collectorate,
Krishnagiri District.

2. The District Revenue Officer,
District Collectorate,
Krishnagiri District.

3. The Revenue Divisional Officer,
District Collectorate,
Krishnagiri District.

4. The Tahsildar,
Tahsildar Office,
Denkanikottai Taluk,
Krishnagiri District.

5. The Village Administrative Officer,
Ullukurukai Village,
Denkanikottai Taluk,
Krishnagiri District.

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to grant individual patta in favour of petitioner in respect of the land to an extent of 0.96.5 hectares i.e. 2.38 acres situated at Ullukurukkai village, Denkanikottai Taluk, Krishnagiri District in S.F. No. 71 by considering the petitioner's representations dated 25.06.2022 and the proceedings dated 30.06.2022.

For Petitioner	: Mr.K.Ponraj
For Respondents	:
(for R1 to R5)	: Mr.T.Venkatesh Kumar Special Government Pleader

ORDER

The relief sought in the present writ petition is to direct the respondents to grant individual patta in favour of the writ petitioner in respect of the land to an extent of 0.96.5 Hecters, i.e. 2.38 Acres situated in Ullukurukai village, Denkanikottai Taluk, Krishnagiri District, by considering the representation submitted by the writ petitioner on 25.06.2022.

2. The petitioner states that he is in possession of an agricultural land situated in Ullukurukai village, Denkanikottai Taluk, Krishnagiri District in S.R.No.71 to an extent of 2.38 Acres. The petitioner states that he is in



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possession of the Government land for more than 40 years. In the village records, the land has been entered as "Government Poramboke". The Special Tahsildar issued B-memo and the petitioner has paid Gist Receipt in his name, in respect of the subject land.

3. The grievances of the writ petitioner is that the authorities granted patta in respect of the adjacent survey numbers who all are in possession of the Government Poramboke lands. However, the claim of the writ petitioner for grant of patta was not considered. Thus, the petitioner submitted a representation to the authorities to grant patta in his name in respect to an extent of 2.38 Acres which is in his possession. Since the claim of the writ petitioner was not considered, he is constrained to move the present writ petition.

4. Admittedly, the subject land has been classified as "Government Poramboke". The petitioner has not produced any assignment or allotment order issued by the Government or the competent authorities. In the absence of any such assignment or allotment order, the petitioner cannot claim patta to an extent of 2.38 Acres merely on the ground of possession. The possession of the writ petitioner is illegal and in violation of the statute



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and rules in force. Mere occupation of Government land for long years would not confer any title or right to such persons and the Government is empowered to evict the encroachers or to resume the land from the persons who all are in illegal occupation of the Government property.

5. The Government Poramboke lands are to be assigned property and in a regulated manner for the benefit of the homeless poor people for their livelihood. There cannot be any discrimination in the matter of allotment of free patta to the homeless poor people. Mere occupation of vast extent of Government lands would not confer any right to the persons nor they can claim patta as a matter of right. All such persons are liable to be evicted and the Government lands are to be resumed and to be utilised for the public purposes or to be allotted to the deserving people who all are longing to secure free house site patta or otherwise.

6. In the present case, the petitioner is in illegal occupation of the Government land to an extent of 2.3 Acres. Thus, this Court do not find any infirmity in respect of the action initiated by the respondents to resume the land by evicting the illegal occupants. The petitioner is thus, not entitled for grant of patta and therefore, the respondents are directed to initiate all



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further actions to resume the Government land and utilise the same for public welfare schemes or otherwise. In respect of the adjacent illegal occupants also the respondents shall initiate appropriate action.

7. With these directions, the writ petition stands **dismissed**.

However, there shall be no order as to costs.

(sha)

26.07.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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