



WEB COPY



WP No. 1559 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 1559 of 2018
and
W.M.P. Nos. 1962, 20163 & 21392 of 2018

Erode Manalmedu Street House
Owner's Welfare Association
Regn. No. 111/2017
represented by its President
P. Palanisamy
No.17A, Manalmedu Street
Goods Shed, Erode – 638 001

.. Petitioner

Versus

1. Government of Tamil Nadu represented by
its Secretary, Revenue Department,
Fort St.George, Chennai – 600 009
2. The Commissioner of Land Administration
Chepauk, Chennai – 600 005
3. The District Collector
Erode District, Erode
4. The District Revenue Officer
Erode District, Erode
5. The Commissioner
Erode City Municipal Corporation, Erode.



WP No. 1559 of 2018

6. The Secretary,
Municipal Administration and Water
Supply Department

Fort St.George, Chennai – 9

.. Respondents

(R6 suo motu impleaded vide
order dated 27.07.2018 in W.P. No. 1559 of 2018)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to re-classify the lands comprised in T.S.No. 8/2 Part, 46/1 Part, 63/1 Part, 122/1 Part and 66/1 Part situated at Block No.28, Ward 51, Erode Town classified as Odai Poramboke land which is in occupation of members of the petitioner/association and others known as Manalmedu Street, Ward No.51, Erode City Municipal Corporation by applying the same yardstick for reclassification of Government Poramboke lands in T.S. No. 66/2, 122/2, 63/2 and 46/2, Erode Town in G.O. Ms. No. 342 Revenue Department dated 12.04.1996 and issue house site patta to the members of the petitioners' association and others for the area/extent under their occupation.

For Petitioner	:	Mr. V.P. Sengottuvel
For RR1 to 4 & 6	:	Mr. A. Selvendran
		Special Government Pleader
For R5	:	Mr. M. Rajamathivanan

ORDER

[Order of the Court was made by R. MAHADEVAN, J]

The Petitioner Association have come forward with this writ petition seeking to issue a Mandamus directing the respondents to re-classify the land comprised in T.S.No.8/2 Part, 46/1 Part, 63/1 Part, 122/1 Part and 66/1 Part situated at Block No.28, Ward 51, Erode Town, which is classified as Odai Poramboke land and which is in occupation of members of the petitioner/association and others by applying the same yardstick for reclassification of Government Poramboke lands in T.S.No.66/2, 122/2, 63/2



WP No. 1559 of 2018

and 46/2, Erode Town as per G.O.Ms.No.342 Revenue Department dated 12.04.1996 and issue house site patta to the members of the petitioner association and others for the area/extent under their occupation.

2. It is stated in the affidavit filed in support of the writ petition that the members of the petitioner/association are in occupation of Government 'Poromboke' land in between 'Odai' in T.S. No. 8/2 Part, 46/1 Part, 63/1 Part, 122/1 Part and 66/1 Part, where they have constructed houses for their dwelling and are residing thereon for more than 80 years. Most of the occupants are engaged as loadmen in a goods shed near Manalmedu Street and receiving daily wages. It is also stated that the Government of Tamil Nadu proposed to construct multi-storeyed buildings to accommodate the occupiers of poromboke lands in Manamledu Street through Slum Clearance Board. For this purpose, a survey was conducted and beneficiaries were identified and the proposal was partly implemented by constructing a building and some of the occupiers have been accommodated. It is further stated that the Government of Tamil Nadu considered the proposal submitted by the District Revenue Officer, Erode and Commissioner of Land Administration during 1992 to 1995 and issued G.O. Ms. No.342, Revenue Department for re-classifying part of the lands under occupation in Manalmedu Street from Odai Poromboke to



WP No. 1559 of 2018

Gramanatham and sub-divided the same i.e., T.S. No. 66/2, 122/2, 63/2 and 46/2. However, the remaining part of the land in occupation of members of the petitioners association continued to remain as Odai Poromboke lands. The residents of Manalmedu Street have given several representations to the authorities for conversion of 'Odai Poromboke' into 'Gramanatham', but there was no response, hence, the petitioner/association has filed the present writ petition.

3. When this writ petition was listed for hearing on 11.08.2018, this Court appointed Ms. A. Karpagavalli, Advocate practising in this Court, as an Advocate commissioner to cause a field inspection of the residential area in question and to submit a report. Accordingly, the Advocate Commissioner submitted a report dated 06.12.2018. In the report, among other things, it was *inter alia* submitted that there is a *odai* (channel) and next to the *odai*, there is a retaining wall above 10 to 15 meters and the houses constructed by the members of the petitioner association are built after leaving 15 feet road next to the compound wall. It is further stated by the Advocate Commissioner that patta was issued to similarly placed persons, who have occupied the land in Survey No.46/2, which was earlier classified as *Odai Poramboke*. It was also stated that the members of the petitioner association are residing in the lands in



WP No. 1559 of 2018

question for about 50 years and they have also constructed houses thereof with electricity amenity.

4. The learned counsel for the petitioner/association submitted that a part of the land in occupation by the members of the petitioner association was earlier classified as "*Odai Poromboke*" and subsequently it was re-classified as Gramanatham lands. After such re-classification, some of the occupiers have been accommodated in the building constructed by the respondents through the Tamil Nadu Slum Clearance Board, while some others have been left out. It is further stated that repeated representations made to the respondents have not yielded the desired result. Therefore, the learned counsel for the petitioner submitted that it would suffice, if a direction is given to the respondents to consider the representation dated 06.11.2017 submitted by the petitioner Association and pass appropriate orders within a time frame to be stipulated by this Court

5. The learned Special Government Pleader appearing for the respondents 1 to 4 and 6 submitted that the representation of the petitioner association will be considered and appropriate orders will be passed thereof within a time limit that may be fixed by this Court.



WP No. 1559 of 2018

6. Having regard to the submissions made by the counsel for both sides and the report dated 06.12.2018 of the Advocate commissioner, without going into the merits of the case, this Court directs the fifth respondent to consider the petitioner's representation dated 06.11.2017, if not considered earlier, in the light of the report filed by the Advocate Commissioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition stands disposed of.
No costs. Connected W.M.Ps. are closed.

[R.M.D., J] [M.S.Q., J]
07.03.2023

nsd/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

To

1.The Secretary, Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

3.The District Collector,
Erode District, Erode.



WP No. 1559 of 2018

4. The District Revenue Officer,
Erode District, Erode.

5. The Commissioner,
Erode City Municipal Corporation,
Erode.

6. The Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai – 9.



WEB COPY



WP No. 1559 of 2018

R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

nsd/rsh

WP No. 1559 of 2018

07.03.2023