



W.P.No.23500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.23500 of 2023
and W.M.P.No.23013 of 2023

G.Mohan Sundar Rajan

.. Petitioner

Versus

1.The District Collector,
District Collector Office,
Salem, Salem District-635001.

2.The Sub Collector,
Mettur Taluk, Sub Collector Office,
West Main road, Mettur Dam,
Salem District – 636401.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of writ of Certiorarified Mandamus calling for the records in order dated 30.06.2022 in proceedings in Na.Ka.No.22152/2022/K2 before the District Collector, Salem, quash the same as illegal and direct the respondents to issue patta based on the Judgment and decree dated 25.03.2021 in A.S.No.26 of 2019 passed by the Sub court, Mettur.

For Petitioner : Mr.M.Venkadesh Kumar
For Respondents : Mr. E.Sundaram,
Government Advocate.



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ORDER

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The order dated 30.06.2022 passed by the District Collector rejecting the claim of the Writ Petitioner for grant of free house site Patta is under challenge in the present Writ Petition.

2.The petitioner states that he is in possession and occupation of the land in Survey No.46/6 measuring 0.10 cents and Survey No.46/5 measuring 0.07 cents in Amaram Village, Mettur Taluk, Salem District. The petitioner states that he is in possession of the land for the past about 50 years from the death of his father. The father of the Writ Petitioner filed a Civil Suit in O.S.No.269 of 2011 before the District Munsif Court, Mettur for the relief of injunction, adverse possession and declaration and the same was partly decreed on 16.10.2019. His father preferred an appeal in A.S.No.26 of 2019, which was allowed on 25.03.2021. The petitioner approached the respondents seeking patta for the land and house site at Door No.101. The said application was not considered and the petitioner submitted a representation again. In view of the fact that the authorities



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have not considered the case of the writ petitioner, the present writ petition is filed.

3.The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that the subject land has been classified as Government Poramboke i.e. '*Arasu Vandi Padhai*'. The father of the petitioner was in occupation of the Government Poramboke land which has been classified as '*Vandi Padhai*' and therefore, the District Collector has not considered the case of the Writ Petitioner for the purpose of grant of free house site patta.

4.The scheme of free house site patta is to be granted only in respect of the landless poor persons who are eligible to get the benefits from the public money. The Government lands belongs to we the people of India and such lands are to be allotted only to the deserving people and not to those who already own properties or have sufficient source of income. In the present case, the petitioner's father is an Ex-servicemen, the petitioner was



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working in the Tamil Nadu Government Transport Corporation and the wife of the petitioner is working as a Teacher. The petitioner's family is owning 3.72 acres of land in that locality. When the petitioner and his wife are working in Government sector and the father of the petitioner was an Ex-Servicemen and the family is owning large extent of land, the District Collector has rightly rejected the claim of the petitioner for grant of free house site patta. The family of the petitioners are entitled for free house site patta from the Government and thus, the impugned order is not in consonance with the scheme of the Government in force.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
cse/veda



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To

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S.M.SUBRAMANIAM, J.
cse/veda

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