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W.P.No. 21070 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 20.07.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.21070 of 2023**

P.Maduranayagam

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by Secretary,  
Revenue Department,  
St.George Fort,  
Chennai - 600 009.

2.The District Collector,  
O/o. District Collectorate,  
Rajaji Salai, Fourth Floor,  
62, Beach Road, George Town,  
Chennai - 600 001.

3.The Revenue Divisional Officer,  
Office of the Revenue Department,  
Thiruvottiyur Taluk,  
Thiruvallur District.

4.The Tahsildar  
Office of the Tahsildar,  
Thiruvottiyur Taluk,  
Thiruvallur District.

... Respondents

**Prayer:** Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to reclassify the land situated in Old Survey No.29/1, Sadayankuppam Village, Saidapet Taluk, Chennai from Mekal Poromboke to Grama Natham as per G.O.Ms.1143 dated 01.12.1995 of the first respondent within the time framed fixed by this Court.



For Petitioners  
For Respondents

: Mr.M.Rajasekhar  
: Mr.J.Ravindran  
Additional Advocate General  
Assisted by Mr.T.Venkatesh

Special Government Pleader  
for respondents 1 to 4

### **ORDER**

The relief sought for in the present writ petition is to direct the respondents 2 to 4 to reclassify the land situated in Old Survey No.29/1, Sadayankuppam Village, Saidapet Taluk, Chennai from Mekal Poromboke to Grama Natham as per G.O.Ms.1143 dated 01.12.1995 of the first respondent.

2. The petitioner states that the land measuring to an extent of 23.02.5 Hectares comprised in Survey No.29/1B, situated in Village No.29, Sadayankuppam Village, Thiruvottiyur Taluk, were originally classified as Maikkal Poramboke and the lands which were set aside to an extent of 11.73.5 hectares on 01.12.1995 itself sub-divided in Survey No.29/1B to 21/1, 29/2 and S.No.29/4 for housing purpose has been classified as Grama Natham. The subject property was assigned in favour of many persons including the petitioner. The conditional assignment was issued not to alienate or encumber the property for a period of ten years from the date of



allotment.

3. In view of the fact that the classification now stands as Maikkal Poramboke, the authorities are not granting patta.

4. In this regard, the petitioner has submitted a representation for granting of patta which was also not considered by the authorities. Thus, the petitioner is constrained to move the present writ petition.

5. Learned Additional Advocate General appearing on behalf of the respondents brought to the notice of this Court that such classifications are impermissible in view of the judgment of the Division Bench of this Court in W.P.No.19286 of 2021 dated 02.02.2021. That apart the classification done by the Government in the year 1995 cannot be relied upon on account of efflux of time and thus the writ petition is to be rejected.

6. The Division Bench of this Court in W.P.No.19286 of 2021 held as follows relying on the judgment of the Supreme Court, which reads as under:

*"5. Admittedly, Meikaal poramboke and Mandaiveli lands are earmarked for the purpose of grazing cattles and therefore, whenever it is to*



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*be converted, equivalent land has to be allocated for the said purpose. The provision regarding conversion at times is being misused and therefore, the Apex Court in the case of Rameshbhai Virabhaia Chaudhari v. The State of Gujarat, [Civil Appeal No.5135 of 2021, dated 6.9.2021], which dealt with unauthorised encroachment on gauchar land, i.e., grazing land, held that the grazing land should be used only for the purpose for which it is permitted and no encroachment on such land is permissible. The relevant paragraphs of the said judgment are quoted hereunder:*

*It is trite to say that gouchar land can be used only for purposes for which it is permitted to be used. If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on. Rehabilitation of persons is really not required in the present case as only three persons are entitled to an alternative site as per rules. There is of course some dispute whether the encroachment for keeping cattle bar but be that as it may, the user cannot be contrary to what is being permitted for goucher land, which is a grazing land.*

*In view of the aforesaid , a direction is issued to bring the land in conformity with its use by the State Government taking appropriate action within a maximum period of three months from today."*

*6. Taking into consideration the aforesaid direction read with the Rules permitting*



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*conversion of Meikaal Poramboke and Mandaiveli lands in the State of Tamil Nadu, we find it to be appropriate to direct the respondents not to convert those lands for regularization of encroachment. For other purposes also, conversion of land cannot be permitted unless equivalent area is identified and earmarked for such purpose. Any order to be passed for it shall be only after the prior approval of this Court. It would be by filing a separate application in the disposed of petition, justifying the conversion of lands and the purpose sought to be achieved, so that the judgment of the Apex Court referred to above is taken to its logical conclusion.*

*7. The writ petition is disposed of with the aforesaid observation. There will be no order as to costs."*

7. In view of the above judgments of the Supreme Court and the Division Bench of this Court, the relief sought for by the petitioner to reclassify the land from Mekal Poromboke to Grama Natham cannot be granted and if at all the petitioner remains as homeless poor person, he is at liberty to submit an application for any welfare scheme introduced by the Government which is in force.

8. With this liberty, the writ petition stands dismissed. There will be no order as to costs.

**20.07.2023**



mrn

Index : Yes / No

Speaking order / Non-Speaking order

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To

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**S.M.SUBRAMANIAM, J.**

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