



WEB COPY

W.P.No.21236 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 19.07.2023**

CORAM

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

**W.P.No.21236 of 2023**

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,  
Cuddalore District,  
Cuddalore.

2.The Revenue Tahsildar,  
Cuddalore District,  
Cuddalore.

3.The Block Development Officer,  
Cuddalore Panchayat Union,  
Cuddalore District,  
Cuddalore.

4.The President,  
Kodukkanpalayam Panchayat,  
Vellakkarai Revenue Village,  
Cuddalore.

5.The Village Administrative Officer,  
Vellakkarai Village,  
Kattupalayam Post,  
Cuddalore District.

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to issue patta in favour of the Petitioner in respect of his lands in his possession for an extent of 20 ares comprised in S.No.207/2, Velakkarai Village, Cuddalore Taluk, Cuddalore District as per the representations made by the petitioner dated 27.02.2017 and 03.03.2023.

|                 |                                        |
|-----------------|----------------------------------------|
| For Petitioner  | : Mrs.P.Padmaja                        |
| For R1, R2 & R5 | : Mr.E.Sundaram<br>Government Advocate |
| For R3 and R4   | : Mr.R.Vigneshwaran                    |

### **ORDER**

The relief sought for in the present writ petition is to direct 2<sup>nd</sup> respondent to issue patta in favour of the petitioner in respect of his lands in his possession for an extent of 20 ares comprised in S.No.207/2, Velakkarai Village, Cuddalore Taluk, Cuddalore District as per the representations made by the petitioner dated 27.02.2017 and 03.03.2023.

2. The petitioner admitted that he is in occupation of the Government land. The petitioner submitted an application for grant of patta in respect of the Government land, since the application was not considered, the petitioner



is constrained to move the present writ petition.

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3. The learned counsel for the petitioner states that the petitioner is in occupation of the said Government land and cultivating cashew trees for the past about 50 years. Therefore, the petitioner submitted an representation on 27.02.2017 to grant patta and the said representation has not been considered. However, the authorities are initiating steps to evict the petitioner. Thus, the petitioner is constrained to move the present writ petitions.

4. The learned counsel for the petitioner relied on the Government orders stating that the Government Poromboke lands can be assigned in favour of the occupants, if they are homeless poor people. A Scheme was formulated and under the scheme, the petitioner is eligible and thus, the case of the petitioner is to be considered for grant of patta.

5. The learned Government Advocate appearing on behalf of the official respondents raised an objection by stating that the Government has to decide, whether the poromboke land is required for the public purposes or not. If a policy decision has been taken by the Government to allot the Government poromboke land to the homeless poor people, then the scheme is



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to be implemented uniformly without causing any discrimination amongst all the eligible homeless poor people, who all are longing to secure free house site patta.

6. It is not as if the encroachers can claim patta as a matter of right. Encroachers are not entitled for any relief. If at all the encroachers are poor homeless people, they will have to submit an appropriate application to the competent authorities and such authorities have to consider the cases of all such eligible persons, under the scheme, in a systematic manner, so as to avoid any discrimination amongst the eligible persons. It is not as if the authorities at their whims and fancies can grant patta without following the established principles.

7. The Equality Clause enunciated under the Constitution is scrupulously followed by the authorities, while implementing such welfare schemes for the benefit of the people. Thus, the encroachers cannot claim patta as a matter of right. Mere occupation of the Government land would not confer any right and thus, the petitioner is at liberty to submit an application before the competent authority, if in force.



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8. In the event of submitting any such application, the eligibility of the petitioner is to be thoroughly scrutinised and their cases should be considered along with all other eligible persons, who all are already waiting for the purpose of securing free house site patta under the welfare scheme.

9. As far as the relief sought for in the writ petition is concerned, when the petitioner is an encroacher in the Government poromboke land, which is required for the public purposes, then the petitioner is to be evicted and all other encroachments in such Government properties are also to be evicted for the purpose of implementing the public schemes or for the benefit of the public at large.

10. With these observations, the Writ Petition stands dismissed. No costs.

**19.07.2023**

Jeni  
Index : Yes  
Neutral Citation : Yes  
Speaking order



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

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