



WEB COPY



W.P.Nos.21204, 21205, 212
21212, 21215 & 21216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21204, 21205, 21207 to 21212, 21215 & 21216 of 2023

W.P.No.21204 of 2023:

Mr.P.Balakrishnan

... Petitioner

Vs.

The District Collector,
Office of the District Collector,
Cuddalore District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue Patta for the land measuring around 300 Sq.ft. comprised in Resurvey No.347, Old Survey No.196/53, Melpattambakkam Village, Panrutti Taluk, Cuddalore District in the name of the Petitioner wherein he is presently residing with his family.

For Petitioners

: Mrs.S.Rajeni Ramadass
(in 10WPs)

For Respondent

: Mr.D.Ravichander
Special Government Pleader
(in 10WPs)



WEB COPY

W.P.Nos.21204, 21205, 212
21212, 21215 & 21216 of 2023



COMMON ORDER

The relief sought for in these writ petition is to direct the respondent to issue Patta for the land measuring around 300 Sq.ft. comprised in Resurvey No.347, Old Survey No.196/53, Melpattambakkam Village, Panrutti Taluk, Cuddalore District in the name of the Petitioners, wherein, they are presently residing with his family.

2. Admittedly, the petitioners are the encroachers and in occupation of a portion of the Government poromboke land measuring around 300 Sq.ft comprised in Resurvey No.347, Old Survey No.196/53, Melpattambakkam Village, Panrutti Taluk, Cuddalore District.

3. The learned counsel for the petitioners states that the petitioners are in occupation of the said Government land for the past 10 years and they are paying electricity charges and taxes. Therefore, the petitioners submitted applications to grant patta and the said applications have not been considered. However, the authorities are initiating steps to evict the petitioners. Thus, the petitioners are constrained to move these present writ petitions.



WEB COPY

W.P.Nos.21204, 21205, 212
21212, 21215 & 21216 of 2023



4. The learned counsel for the petitioners 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 petitioners are eligible and thus, the case of the petitioners is to be considered for grant of patta.

5. The learned Special Government Pleader appearing on behalf of the respondent 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 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 lands would not confer any right and thus, the petitioners are at liberty to submit an application before the competent authority, if in force.

8. In the event of submitting any such application, the eligibility of the petitioners 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.



WEB COPY

W.P.Nos.21204, 21205, 212
21212, 21215 & 21216 of 2023



9. As far as the relief sought for in these writ petitions are concerned, when the petitioners are encroachers in the Government poromboke land, which is required for the public purposes, then the petitioners are 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, these Writ Petitions stand dismissed. No costs.

19.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

The District Collector,
Office of the District Collector,
Cuddalore District.



WEB COPY



W.P.Nos.21204, 21205, 212
21212, 21215 & 21216 of 2023

S.M.SUBRAMANIAM, J.

Jeni

**W.P.Nos.21204, 21205, 21207 to
21212, 21215 & 21216 of 2023**

19.07.2023