



WEB COPY

W.P.No.232



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23264 of 2023

and

W.M.P.No.22805 and 22806 of 2023

Nalini

... Petitioner

Vs.

1.The District Collector,
Ranipet Collectorate Office,
Ranipet District.

2.The District Collector,
Vellore District.

3.The Revenue Divisional Officer,
RDO Office,
Ranipet District.

4.The Tahsildhar,
Sholinghur,
Ranipet District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 24.01.2023 made in Na.Ka.C1 / 2565 / 2021 passed by the 1st respondent, quash the same and consequently direct the respondents to issue Patta for the lands comprised in S.F. Nos. 26 and 27, Thallikkal Village, Sholinghur Taluk, Ranipet District in view of the recommendation made by the 3rd respondent vide proceedings dated 15.09.2009.



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For Petitioner : Mr.C.Harish
For Respondents : Mr.E.Sunda Ram,
Government Advocate

ORDER

The order impugned dated 24.01.2023 issued by the District Collector, rejecting the claim of the petitioner for allotment of 2 acres of land in his favour is under challenge in the present writ petition.

2. The petitioner states that he is an agriculturist and doing agriculture in respect of the lands situated at S.F.Nos.26 and 27, Thallikkal Village, Sholinghur Taluk, Ranipet District, having an extent of 2.00 Acres. Admittedly, the subject land is classified as 'Tharisu Poromboke Land'. However, the petitioner states that he is cultivating the land for the past about 32 years. He is paying B-Memo charges for the above 'Tharisu Poromboke Land' for more than 3 decades. The petitioner submitted representation dated 08.12.2007 to the 2nd respondent / the District Collector to issue patta for the above patta lands.

3. The representation was considered by the 3rd respondent / the Revenue Divisional Officer, who in turn recommended the case of the writ petitioner for allotment of the said 2 acres of patta land in his favour. Since the District Collector



has not considered the case of the writ petitioner based on the recommendations, the petitioner has filed writ petition in W.P.No.18886 of 2017 and this Court has passed orders on 20.11.2020, directing the authorities to pass orders taking into consideration the recommendations made by the Revenue Divisional Officer, on merits and in accordance with law within a period of six (6) weeks thereafter. Pursuant to the directions issued by this Court, the District Collector has passed impugned order dated 24.01.2023.

4. The impugned order was passed for conducting an enquiry by the District Collector. The findings of the District Collector reveals that the petitioner is already owning land to an extent of 9 acres and 19 cents and therefore, the Government 'Tharisu Poromboke Land' cannot be allotted in favour of the writ petitioner. When the petitioner is owning large extent of property, such persons are not entitled to avail benefit of the Government Land or allotment.

5. Lakhs and lakhs of homeless poor people are longing to secure even a small extent of about 3 cents for their livelihood. When large number of such poor people are waiting for free house site patta from the Government authorities, such persons who are owning vast extent of land and earning huge amount of free house site lands are undoubtedly not entitled for any benefit from the hands of the



Government. Such benefit, if extended, would result in unconstitutionality. There cannot be any discrimination in the matter of implementation of Government Welfare Schemes and free house site is to be granted only to the homeless poor people, who is not having enough means to purchase the land or property. The welfare scheme at no circumstances, be abused nor the persons holding properties are entitled for such benefits.

6. In the present case, the recommendations given by the Revenue Divisional Officer has been misused by the petitioner for the purpose of getting the Government 'Tharisu Poromboke' land. The Revenue Divisional Officer has recommended in contravention to the Government policies and the schemes. The said patta land, which is meant for public usage cannot be alienated at the instance of the Government authorities causing detrimental to the public interest and purposes. Thus, the very recommendation made by the Revenue Divisional Officer is perverse and untenable. The District Collector has considered the ground that the petitioner is already owning vast extent of land to the tune of 9 acres and 19 cents and he is well off and refused to entertain the application submitted by the petitioner for allotment of 2 acres of land.



7. This Court do not find any infirmity in respect of the reasons assigned in the impugned order, which is in consonance with the principles and in accordance with law and Constitution of India. Thus, there is no reason to interfere with the order impugned.

8. Accordingly, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

08.08.2023

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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S.M.SUBRAMANIAM, J.

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