



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26078 of 2023

S. Ranganathan

... Petitioner

Vs.

The District Revenue Officer
Kanchipuram District,
Kanchipuram.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to dispose the representation made by the petitioner on 20.10.2022 for requesting the respondent to leased out the Government poramboke land in Survey No.291 situated adjacent to the petitioner's property in Survey No.293/1 and 293/2 to the west and another Government land to the south side of the petitioner property for an extent of 1.5 acres for the purpose of cultivating Grass for the Cattles.

For Petitioner

: Mr.A. Lakshmi Narasimhan

For Respondent

: Mr.G. KrishnaRaja,
Additional Government Pleader



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ORDER

The relief sought for in the present Writ Petition is to direct the respondent to dispose of the representation made by the petitioner on 20.10.2022, requesting the respondent to lease out the Government poramboke land comprised in Survey No.291 situated adjacent to the petitioner's property in Survey Nos.293/1 and 293/2 to the west and another Government land to the south side of the petitioner's property for an extent of 1.5 acres for the purpose of cultivating Grass for the Cattles.

2. The very relief sought for in the present writ petition is absolutely misconceived. The High Court cannot direct the Government to grant lease in favour of an individual. Grant of lease is a policy decision of the Government and by obtaining order of direction to consider the representation, the Court cannot pave the way for corruption activities in the Government Departments.

3. Mere direction to consider the representation would do no service to the cause of justice. Contrarily, the litigant will be back again to the High



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Court by filing another writ petition. Thus, the right to be established is the pre-condition for the purpose of entertaining a writ petition. In the absence of establishing any right, the writ petition is not entertainable and the petitioner merely by submitting a representation cannot seek leasing of the Government Poramboke land in his favour.

4. Any illegal occupation or encroachment of Government land is impermissible and the respondents are duty bound to protect the Government land for the welfare of the public. Encroachment if any is to be removed and the lands are to be utilised for public purposes and to be protected. Even if it is a vacant land, the same is to be protected. This being the principles, the petitioner has not established even a semblance of legal right for the purpose of considering the relief.

5. Accordingly, this Writ Petition stands dismissed. No costs.

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Index : Yes
Speaking order



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To
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The District Revenue Officer
Kanchipuram District,
Kanchipuram.



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S.M.SUBRAMANIAM, J.

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