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W.P.No.27506 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27506 of 2023

A.P. Moorthy

... Petitioner

Vs

The District Collector,
Tiruvannamalai

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus, calling for the records in Na. Ka.A2/43118/2013 dated 28.02.2022 from the respondent and to quash the same and consequently direct the respondent to issue patta in S.R. No256/1 (0-10-0 acres).

For Petitioner : Mr. M. Pari

For Respondent : Mr. C. Jaya Prakash,
Government Advocate

ORDER

The order of the District Collector dated 28.02.2022 rejecting the claim of the writ petitioner to assign the land to an extent of 25 cents is under challenge in the present writ petition.



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2. The father of the writ petitioner was an ex-service man and he enjoyed the subject land measuring 25 cents in S.No.256/1 at Vengikal Village, Thiruvannamalai. The father of the petitioner put up a hut and was residing in the portion of the said land and cultivating Lettuce greens in the subject land. He secured power connection and was paying house tax. After the death of the father of the petitioner, the mother of the petitioner is residing in the hut and cultivating in the lands. The land has been classified as Sarkar Punjai.

3. Learned counsel for the petitioner states that the land to an extent of 1 Acre 40 cents was reserved in the year 1955-56 Gazette for the benefit of depressed class people. Such lands were allotted in S.No.256/1.

4. The deceased father of the writ petitioner submitted an application to grant patta. The respondent rejected the application on the ground that he is not eligible, since he is not in poverty and more so, the subject land is falling within the town limits of Thiruvannamalai and more specifically within the radius of 8 kms and therefore, such urban lands cannot be assigned in favour



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of the individuals.

5. Learned Government Advocate brought to the notice of this Court to the fact that the writ petitioner has sold some other property in favour of other persons which would be sufficient to form an opinion that the petitioner is not eligible for availing free lands from the Government.

6. The order impugned passed by the District Collector reveals that the subject lands are situated nearby the Collectorate where many other offices are functioning. Therefore, such valuable lands in Thiruvannamalai town area is required for public purposes and to develop infrastructural facilities for the benefit of the people at large. More so, the subject land cannot be cultivated as of now, since the land has been surrounded by the residential houses.

7. That being the factum, the claim of the petitioner to assign high value property to an extent of 25 cents cannot be granted and the Government has decided to utilise the lands for public purposes.

8. Admittedly, the petitioner has not been assigned with the subject



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land. Even though there was no assignment in favour of the father of the petitioner, they are in occupation of the subject land for long years. That being the only fact placed, mere occupation of the Government land would not confer any right to claim assignment. More so, the property is valuable as of now and is falling within the Thiruvannamalai Town area. The Government lands in Urban areas cannot be alienated.

9. No doubt, the Government is implementing welfare schemes for the benefit of homeless poor schedule caste community people. If at all the petitioner is poor homeless schedule caste person, he is at liberty to submit an application before the competent authority, who in turn has to consider the same by ascertaining the eligibility and by following the conditions stipulated in the welfare scheme for allotment of land or house site or otherwise. At the outset, the welfare scheme in force for the benefit of the homeless poor schedule caste community people are to be granted based on the eligibility and by scrutinising the other factors in consonance with the conditions stipulated.

10. As far as the relief sought for in the present writ petition is



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concerned, the subject land is a valuable land falling within the town area of Thiruvannamali and adjacent to the subject land, new collectorate has already been constructed and various other Government offices are also functioning. Thus, the Government is in need of such lands for the purpose of developing infrastructural facilities for the benefit of the people at large. Thus, the subject land cannot be assigned and this court do not find any infirmity in respect of order passed by the District Collector. However, the petitioner is at liberty to make an application under any one of the Welfare schemes which is in force.

11. With the above observation, the writ petition stands dismissed. No costs.

20.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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To

The District Collector,
Tiruvannamalai.



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S.M.SUBRAMANIAM, J.

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