



WEB COPY



W.A. Nos.2836, 2837, 2844, 2848, 2849, 2850, 2852 and 2853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A. Nos.2836, 2837, 2844, 2848, 2849, 2850, 2852 & 2853 of 2023
and

W.M.P.Nos.23642,23644,23678,23695,23707,23708,23714 & 23715 of 2023

R. Lakshmanan

Koteeswari

D. Sumathi

A. Sudhakar

R. Radha Ramasamy

K. Selvi

M. Kalkandu

P. Pakkirisamy

Appellant in W.A. No.2836 of 2023

Appellant in W.A. No.2837 of 2023

Appellant in W.A. No.2844 of 2023

Appellant in W.A. No.2848 of 2023

Appellant in W.A. No.2849 of 2023

Appellant in W.A. No.2850 of 2023

Appellant in W.A. No.2852 of 2023

Appellant in W.A. No.2853 of 2023

v

The District Collector

Office of the District Collector

Cuddalore District

Respondent in all writ appeals

Writ Appeals filed under Clause 15 of the Letters Patent challenging the common order dated 19.07.2023 passed in W.P. Nos.21209, 21207, 21208, 21211, 21210, 21215, 21205 and 21216 of 2023.

For appellant in
all writ appeals

Mrs. S. Rajeni Ramadass

For respondent in
all writ appeals

Mr. A. Selvendran
Special Government Pleader



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COMMON JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

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These writ appeals emanate from the common order dated 19.07.2023 passed by a Single Bench of this Court in the writ petitions preferred by the appellants, seeking a direction to the respondent to issue patta for their lands.

2 The Single Bench, *vide* aforesaid common order, dismissed the writ petitions holding as under:

“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.

9. As far as the relief sought for in these writ petitions are concerned, when the petitioners are encroachers in the Government poramboke 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



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dismissed. No costs.”

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Aggrieved, one of the writ petitioners, *viz.*, Ambiga, preferred a writ appeal being W.A. No.2533 of 2023, wherein, a Coordinate Bench of this Cour, *vide* judgment dated 14.09.2023, disposed of the said writ appeal in the following terms:

“3. Learned counsel for the appellant submits that an application has been filed by the appellant seeking patta. The land in question is classified as Grama Natham Poramboke. The same is meant for house site. The appellant is residing for more than two decades and paying taxes also.

4. Learned Single Judge has already observed that the eligibility of the appellant is to be thoroughly scrutinised and her case 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.

5. The respondent may take a decision on the application of the appellant for issuance of patta, preferably within one month from today. Depending upon the decision taken by the respondent on the application of the appellant for issuance of patta, the parties may take further steps.

The writ appeal is disposed of accordingly. There will be no order as to costs. Consequently, C.M.P.No.21223 of 2023 is closed.”

In view of the above, these writ appeals also stand disposed of in the same terms, sans costs. Connected C.M.Ps. stand closed.

(S.V.N., J.) (K.R.S., J.)
16.10.2023

cad

S. VAIDYANATHAN, J.



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K. RAJASEKAR, J.

cad

To

The District Collector
Office of the District Collector
Cuddalore District

Common judgment in
W.A. Nos.2836, 2837, 2844, 2848, 2849,
2850, 2852 and 2853 of 2023

16.10.2023