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W.P.No.33546 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33546 of 2017
and
W.M.P.Nos.37066 and 37067 of 2017

K.Ranagswamy

... Petitioner

Vs.

1.The District Revenue Officer,
Coimbatore District,
Coimbatore – 641 018.

2.The Revenue Divisional Officer,
Mettupalayam,
Coimbatore District.

3.The Tahsildar,
Mettupalayam Taluk,
Sirumugai Road,
Mettupalayam – 641 301.

... 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 pertaining to the order dated 09.11.2017 under in reference No.NI.MU.7714/2017/A2 of the 1st respondent, in confirming the order



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dated 24.4.2017 of the 2nd respondent under reference No.Na.Ka.4395/2016/A2 and the order dated 02.03.2016 of the 3rd respondent under reference no. Na.Ka.975/2016/A2 and quash the same and consequently, direct the respondents to issue patta to the petitioner for the agricultural land comprised in S.F.No.243/2, Natham, measuring an extent of 0.40.50 Hectare (1 acre), situated at Sirumugai Village, Mettupalayam Taluk, Coimbatore District.

For Petitioner : Mr.T.K.S.Gandhi

For Respondent : Mr.D.Ravichander,
Special Government Pleader

ORDER

The order dated dated 09.11.2017 passed by the 1st respondent / the District Revenue Officer, Coimbatore rejecting the claim of the writ petitioner for grant of house site patta at free of cost is under challenge in the present writ petition.

2. The petitioner states that he is in possession and enjoyment of the agricultural lands comprised in S.F.No.243/2 measuring an extent of nearly 0.40.50 Hectare (1 acre) of Sirumugai Village, Mettupalayam Taluk,



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Coimbatore District. He further states that his family is doing agriculture for many years. They have planted coconut trees, banana plantains and other trees. The lands are classified as 'Natham Poromboke' in revenue records.

3. In view of the fact that the subject property has been classified as 'Natham Poromboke', the petitioner submitted an application for grant of house site patta. The District Revenue Officer, Coimbatore conducted an enquiry and found that the writ petitioner is not a poor person. The petitioner is earning sufficient income and he is an agriculturist, who is in possession of an agricultural land. Based on the enquiry conducted, the District Revenue Officer, Coimbatore found that the petitioner is not eligible to avail the benefit of free house site patta of Natham land and accordingly, rejected the petition.

4. The learned counsel for the petitioner states that though the petitioner is an agriculturist, he is a poor person. The petitioner is not owning any land in his name and therefore, he is eligible for free house site patta in respect of 'Natham Poromboke' lands. In order to substantiate the claim, the petitioner relied on the orders of this Court in the case of *the*



Executive Officer, Kadathur -vs- Swaminathan in [2004 (3) CTC 270]

wherein the Court held that "the 'Natham Poromboke' land cannot be construed as a Government land. It is considered that the classification of 'Natham Poromboke' and the description of 'Poromboke' in the settlement register will not by itself establish the title of the Government land in question."

5. Yet another case viz., ***Subburaj -vs- the District Collector, Madurai*** in W.P (MD). No.14471 of 2014 dated 02.09.2014, the Madurai Bench of Madras High Court also held on the same line that "a land in the occupation of the individual in possession of the 'Grama Natham' cannot be interfered and it could very well resist and also institute a Suit in ejectment the trespasser'. It is further held that the classification of 'Natham Poromboke' and description of 'Poromboke' in the settlement register will not by itself establish the title of the Government land in question".

6. This Court is of the considered opinion that if the land does not belongs to Government, which is classified as 'Natham Poromboke' then such land belongs to the people of that village or the locality.



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7. However, the said 'Natham Poromboke' lands cannot be granted indiscriminately without following any procedures or schemes. In the event of allowing such greedy men to occupy larger extent of 'Natham Poromboke' lands, it will result in an anomalous situation, where people will be attempting to grab such 'Natham Poromboke' lands by using their muscle power, political power or money power.

8. The 'Natham Poromboke' lands are left for the benefit of the people of that village for common usage or for the residence of poor landless people. Even in such circumstances, such poor landless poor people are to be accommodated as per the eligibility without causing any discrimination. At the outset, a scheme is to be formulated by the State in order to regulate the 'Natham Poromboke' lands. Unregulated occupation of 'Natham Poromboke' lands would lead to an unconstitutionality, since greedy men would be attempting to grab the said land by depriving the eligible landless poor people, who all are most deserving.



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9. Therefore, a person claiming free house site patta in 'Natham Poromboke' lands cannot be granted without making an assessment and conducting an enquiry. More so, the authorities cannot be vested with an unguided power for grant of free patta in respect of 'Natham Poromboke' lands. Even if the Government do not hold title, the Government is duty bound to regulate the 'Natham Poromboke' lands in the interest of public at large. State being a welfare State, at no circumstances shall allow a few greedy men to grab vast extent of 'Natham Poromboke' lands without formulating any scheme or otherwise. Any such 'Natham Poromboke' lands is to be regulated for the benefit of the poor landless people of that locality and without causing any discrimination amongst such eligible people.

10. Many such cases are before this Court claiming right over the 'Natham Poromboke' lands and therefore, it is the duty of the Commissioner of the Land Administration to ensure that such lands are regulated or necessary orders are obtained from the Government for regulating such 'Natham Poromboke' lands. The persons in occupation of such 'Grama Natham Poromboke' lands are to be enquired into and their eligibility is to be considered and accordingly, further actions are to be initiated.



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11. It is not as if any citizen can occupy vast extent of 'Natham Poromboke' lands and thereafter, claim patta, merely based on the occupation. Such a situation would create an anomalous situation and an unconstitutionality and more so lead to criminality. If many such persons made attempt to grab such 'Natham Poromboke' lands, it will create lot of disorderliness, and thus, it is imminent for the Government to interfere and initiate appropriate actions to regulate the 'Natham Poromboke' lands in the interest of public so as to avoid any discrimination amongst the eligible persons for occupation of 'Natham Poromboke' lands for residential purposes.

12. Equal distribution of Government lands are to be made, which is the constitutional mandate. State is empowered to regulate, if necessary by re-classifying the land or to utilise the land for public purpose. At the outset, the entire 'Natham Poromboke' lands across the State is to be regulated so as to ensure no discrimination is caused between the citizens and such 'Natham Poromboke' lands are allowed for the benefit of poor homeless people.



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13. In this regard, the Commissioner of Land Administration has to initiate appropriate actions and ensure that the Government pass necessary orders for regulating 'Natham Poromboke' lands for the benefit of the people.

14. As far as the present writ petition is concerned, the District Revenue Officer, Coimbatore found that the writ petitioner is not a poor person and more so his family owns patta lands. Therefore, he is not eligible for free house site patta even in the 'Natham Poromboke' lands.

15. For the purpose of initiation necessary actions, the Commissioner of Land Administration, Chepauk, Chennai and the Secretary to Government, Revenue Department, Chennai have been *suo motu* impleaded as the respondents. Mr.D.Ravichander, learned Government Pleader takes notice for the newly impleaded respondents for the purpose of communicating the order for further actions.



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16. As far as the earlier judgments referred by the writ petitioner is concerned, factually the petitioner was found to be a person of adequate income and property and he is not eligible for any free house site patta.

17. With these observations, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

13.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

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