



W.P(MD)No.5928 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5928 of 2023
and WMP(MD)No.5514 of 2023

Sundararaj

... Petitioner

Vs

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District.
- 3.The Sub Collector,
Cheranmahadevi, Tirunelveli District.
- 4.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 4th respondent in his proceedings in A2/ 4672/2022, dated 11.11.2022 and quash the same as illegal and consequently directing the first and second respondents to issue regularized



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free patta to the petitioner for the land in Survey Number 1162/2, Vickramasingapuram Part II Village, Ambasamudram Taluk, Tirunelveli District to the extent of 1 cent containing Door Number 55A 3/10, Watchman South Street, Tana Vikkiramasingapuram Village, Ambasamuthiram Taluk, Tirunelveli District by reconsidering the petitioner's application, dated 01.11.2019, within stipulated time.

For Petitioner : Mr. T.A.Ebenezer

For R1 to R4 : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of certiorarified mandamus, seeking the records relating to the order passed by the fourth respondent in A2/4672/2022, dated 11.11.2022 and to quash the same and direct the first and second respondents/District Collector, Tirunelveli District, Tirunelveli and District Revenue Officer, Tirunelveli District, to issue regularized free patta to the petitioner for the land in Survey No.1162/2, Vickramasingapuram Part-II Village, Ambasamudram Taluk, Tirunelveli District to an extent of 1 cent at Door No.55A 3/10, Watchman South Street, Tana Vikkiramasingapuram Village, Ambasamuthiram Taluk, Tirunelveli District. The petitioner had given an application, dated 01.11.2019 in this



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2.In the affidavit filed in support of the writ petition, it has been stated that the petitioner has been residing in aforementioned address for more than ten years. He claims that the property had been assessed with tax and electricity connection was also obtained. He placed reliance on G.O.Ms.No. 496, Revenue and Disaster Management Department, dated 24.12.2018 for grant of regularized house patta for those who are residing long time in Government Poramboke land. The petitioner claims that he is eligible for grant of such patta.

3.The fourth respondent had rejected the representation of the petitioner, by order dated 11.11.2022. Questioning that particular order, the present writ petition has been filed.

4.The learned Special Government Pleader, who takes notices on behalf of the respondents 1 to 4 pointed out that in the impugned order, there is a reference about the grant of land patta to the petitioner herein by the District Collector, Tirunelveli, dated 19.10.2000 in Na.Ka.A4/86821/2000.



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Therefore, it is stated that since patta and assignment has already been granted, another assignment cannot be granted. Therefore, patta cannot be issued to the petitioner.

5.G.O.Ms.No.496, Revenue and Disaster Management Department, dated 24.12.2018, is relied on by the petitioner. The object of the said order is for regularization of residential encroachments in unobjectionable poramboke lands. The Government order had been passed keeping in mind that those who are already in occupation, may be regularized by grant of patta. The main crux of the order has been given as follows:

Considering the above facts and to alleviate the grievances of the poor persons, the Commissioner of Land Administration has requested the Government to issue orders for extension of above scheme for a further period of one year from 31.08.2022 so as to enable to grant Free House Site Patta to all eligible poor beneficiaries in the State.

6.It is thus seen that the fundamental object of the order is to alleviate the grievances of the poor persons and land would be considered for regularization of their possession by grant of patta, if they are in possession



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of Government land, which need not be used for any other purpose. The petitioner is already a beneficiary. He has already benefitted by the Government order. The Government Order, is to benefit all the public. The reasons in the impugned order are valid and acceptable, since the petitioner has already been assigned with land by the order of the District Collector, Tirunelveli, a second assignment cannot be considered by the respondent.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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