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W.P. No.3745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3745 of 2024

Revathy

... Petitioner

Vs.

1. The District Collector

Chengalpattu District, Chengalpattu

2. The Revenue Divisional Officer

Puducherry-Mamallapuram Corridor Land Acquisition
Chengalpattu, Chengalpattu District

3. The Special Tahsildar (Land Acquisition)

Unit -2

Puducherry-Mamallapuram Corridor
Chengalpattu District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus directing the 2nd respondent to call for the entire records relating to the impugned order in Na.Ka.No.24.Ma.Pu.The.No.332A/Unit-2, dated 17.05.2022, passed by the 3rd respondent to quash the same and consequently, direct the 3rd respondent to provide the adequate compensation to the housing land comprised in Naththam Survey No.411/7, admeasuring to the extent of 0.08, situated in Solaikuppam Village, Thirukkazhukundram Taluk, Chengalpattu District.



W.P. No.3745 of 2024

For Petitioner : Mr.A.Venkatesan

For Respondents : Mr.T.Arun Kumar

Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus directing the 2nd respondent to call for the entire records relating to the impugned order in Na.Ka.No.24.Ma.Pu.The.No.332A/ Unit-2, dated 17.05.2022, passed by the 3rd respondent to quash the same and consequently, direct the 3rd respondent to provide the adequate compensation to the housing land comprised in Naththam Survey No.411/7, admeasuring to the extent of 0.08, situated in Solaikuppam Village, Thirukkazhukundram Taluk, Chengalpattu District.

2. The case of the petitioner is that the petitioner and her husband are residing in the subject matter of land in time immemorial. The petitioner's husband executed a settlement deed in favour of the petitioner in Document No.5949 of 2010 dated 23.12.2010 on the file of the Sub Registrar, Thirukkazhukundram. The petitioner's land was acquired by the



W.P. No.3745 of 2024

respondents 2 and 3 herein, in order to lay the road under the Puducherry-

WEB COPY

Mamallapuram Corridor National Highway-332A. Thereafter, the petitioner appeared before the 3rd respondent and produced all the documents so as to receive the compensation. Earlier, the petitioner had filed a suit in O.S.No.16 of 2016 on the file of the District Munsif cum Judicial Magistrate, Thirukkazhukundram, against one Ramachandiran who is the brother of the petitioner's husband, for recovery and declaration of title and the same was allowed on 28.04.2017 and against which, no appeal is preferred. The petitioner also made many representations requesting to pay compensation based on the said settlement deed and decree. Though they paid a sum of Rs.2 lakhs towards the hut/super structure alone, the 3rd respondent without considering the documents, denied the compensation to the land and passed the impugned order on 17.05.2022 rejecting the claim of the petitioner stating that the subject land is classified as Arasu Poramboke in the computerized Patta. Aggrieved by the petitioner preferred an appeal before the 1st respondent to set aside the



W.P. No.3745 of 2024

impugned order passed by the 3rd respondent and sought compensation.

WEB COPY

But the same has not been considered by the 1st respondent.

3. The respondents have filed counter.

4. The learned Additional Government Pleader appearing for the respondents submitted that since the subject land acquired by the Government stands classified as "Natham Sarkar Poramboke" as per the Adangal of the Village, the petitioner was informed that, compensation could not be sanctioned vide impugned proceedings dated 17.05.2022.

5. In the impugned order it is stated that in the computerized patta, the subject land is classification as Arasu Poramboke, whereas, in the 'A' register during UDR, it is clearly mentioned as "Grama Natham". However, the respondents have not produced any original 'A' register prior to UDR or SLR or RLSR as the case may and they produced only the 'A' register during UDR in which, it is mentioned as "Grama Natham".

6. It is settled proposition that Government is not the owner of the lands in Grama Natham. The classification of the Grama Natham lands,



W.P. No.3745 of 2024

cannot be changed as Arasu Poramboke. If at all, any Grama Natham land

is kept vacant and unoccupied, it can be kept as a vacant site but, the classification cannot be changed to other than Grama Natham. However, the Government can recognise the occupier of the Grama Natham land and issue Patta to them minimum 3 cents to maximum 5 cents.

7. In this case the petitioner has stated that she occupied the said land time immemorial and has been in possession of the property. As stated above, since the Government is not the owner of the Grama Natham lands, they cannot change the classification of the lands in Grama Natham to Government Poramboke.

8. Therefore, the impugned order in Na.Ka.No.24.Ma.Pu.The. No.332A/Unit-2, dated 17.05.2022, passed by the 3rd respondent is quashed.

9. The 3rd respondent is directed to provide adequate compensation to the petitioner for the subject land in accordance with law as expeditiously as possible, if the petitioner is otherwise eligible for the



W.P. No.3745 of 2024

same.

WEB COPY

10. With the above directions, this Writ Petition is allowed. No

costs.

18.03.2024

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



W.P. No.3745 of 2024

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WEB COPY



W.P. No.3745 of 2024

P.VELMURUGAN. J.

Ksa-2

W.P. No.3745 of 2024

18.03.2024