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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.4407 of 2015

P.K.M.Thurai

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore, Coimbatore District.
3. The Sub-Collector,
Pollachi, Coimbatore District.
4. The Tahsildar,
Pollachi Taluk, Pollachi,
Coimbatore District.
5. The Commissioner,
Pollachi Municipality, Pollachi,
Coimbatore District.
6. G.Annapoorani
7. Sendu
8. Kamalabai



9. Saroja
10. Selvi
11. Kamalam
12. Saroja
13. Suganthi
14. Chitra
15. Velumani [R6 to R15 impleaded vide order dated 08.03.2018]
16. K.Kumaravel
17. S.Devanand
18. K.Arumugam
19. R.Krishnaraj Kumar
20. Lizy Soman
21. P.Murugesan
22. P.Uthiraraj
23. K.Lakshmanan
24. R.Natarajan
25. K.Parthasarathy
26. S.Easwaran
27. R.Lakshmi
28. K.V.Subramanian
29. H.Mubrak
30. P.Ananthi
31. S.Zaheeruddin
32. P.M.Swamidurai
33. M.Paramasivam
34. M.Rathinam
35. K.V.Valliammal
36. R.Kavitha Krishnan
37. A.M.Sateesh Babu
38. P.Menaka
39. J.Thilagavathi
40. V.K.Mohandoss
41. D.Uma Maheswari
42. Dr.R.Kumara Ganesh
43. K.S.Dhanabal
44. N.S.Chakkaravarthy
45. K.Raja Rajeswari

... Respondents



[R16 to R45 impleaded vide order dated 30.01.2017]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 5th respondent in his proceedings Na.Ka. No.3411/ 2012/G1 dated 04.02.2015 and quash the same and consequently directing the respondents to remove the encroachment made in Ward No.E, Block No.1 in T.S. Nos.14, 15, 16 and Ward No.H, Block No.1 in T.S.Nos.1 and 5 and Ward No.H, Block No.2 in T.S. Nos.1/1 and 1/2, Pollachi Municipal Limit, Pollachi, Coimbatore District

For Petitioner	: Mr.C.Prakasam
For R1 to R5	: Mr.A.Selvendran, Special Government Pleader
For R6	: Mr.P.M.Duraisamy
For R7 to R35	: Mr.T.E.Badrinathan
Advocate Commissioner	: Mr.Sudharsana Sundar

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Petition has been instituted challenging the Inter-Departmental proceedings dated 04.02.2015 between the Commissioner, Pollachi Municipality and the Sub-Collector, Pollachi. Such Inter-Departmental communications would provide no cause to the writ petitioner to institute a writ proceedings. However, the grievances of the writ petitioner is that the Government land has been encroached upon by several people of that locality and thereby, depriving the public to use the road in a



free manner. The cart track portions were also encroached upon and therefore, the present Writ Petition is filed.

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2. The District Collector, Coimbatore filed two counter-affidavits. The first counter-affidavit filed on 11.08.2015 would reveal that in T.S.Nos.14, 15 and 16 of Ward E, Block 1 of Pollachi Town for one side of the cart track pattas have been issued. The opposite side of the road have been encroached upon by some persons and action is being taken to evict the encroachers. On completion of the eviction process, the road will be even more wider and easier for transportation.

3. Further, the counter filed by the District Collector, Coimbatore on 07.03.2017 reveals that patta has been granted in favour of landless poor people, who all are in encroachment of the Government properties. All the encroachers are Sanitary workers and the Government has taken a policy decision to grant free house site patta to all these encroachers. The learned Special Government Pleader, Mr.A.Selvendran would submit that pattas are already granted in favour of 271 families and the extent of land converted



into Natham and pattas issued are as detailed below:-

“ (i) an extent of 4448.0 Sq. mtrs of land in T.S No.01 (ward/Block:H/1) and 373.0 Sq. mtrs of land in T.S No.05 (ward/Block:H/1) in Pollachi Town Village of Pollachi taluk has been converted into "Natham" from its original classification "cart track" by the proceedings of the District Collector, Coimbatore in Ref. No. 2271/2015/B2 dated:20.02.2015 and 100 house site pattas were issued in the above mentioned lands after getting consent from the District Level Senior Officer (Regional Director of Municipal Administration) of the concerned department where the Government poramboke land vested with. Further, it is submitted that land classification of "Cart track" has been converted in to "Natham" in Village and Taluk land records.

An extent of 380.0 Sq. mtrs of land in T.S an No. 1/1 (ward/Block:H/2) and 1950.0 Sq. mtrs of land in T.S No. 1/2 (ward/Block:H/2) in Pollachi Town village of Pollachi taluk has been converted into "Natham" from its original classification "cart track" by the proceedings of the District Collector, Coimbatore in Ref. No. 2272/2015/B2 dated: 20.02.2015 and 60 house site pattas were issued, after following due procedures.

An extent of 944.0 Sq mtrs of land in T.S No. 14 (ward/Block:E/1), 1338.0 Sq mtrs of land in [T.S.No. 15](#)(ward/Block:E/1), and 825.0 Sq mtrs of land in T.S No. 16(ward/Block:E/1), in Pollachi Town village of Pollachi taluk has been converted into "Natham" from its original classification "cart track" by the proceedings of the District Collector, Coimbatore in Ref. No. 2270/2015/B2 dated: 19.02.2015 and 111 house site pattas were issued, after following due procedures.



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The above details are submitted in a tabulation form as below:-

Ward No/ Block No.	T.S.No	Total Extent (in sq.mts)	Extent of land converted into Natham and pattas issued (in sq.mts.	Order & Date
H/1	1	8822	4448	Ref.No:2271/2015 /B2 dated 20.02.2015
H/1	5	9537	373	Ref.No:2271/2015 /B2 dated 20.02.2015
H/2	1/1	2918.5	380	Ref.No:2272/2015 /B2 dated 20.02.2015
H/2	1/2	4224	1950	Ref.No:2272/2015 /B2 dated 20.02.2015
E/1	14	2347	944	Ref.No:2270/2015 /B2 dated 19.02.2015
E/1	15	1902	1338	Ref.No:2270/2015 /B2 dated 19.02.2015
E/1	16	2347	825	Ref.No:2270/2015 /B2 dated 19.02.2015
Total		32097.5	10258	

The scheme for widening of palladam road within Pollachi Municipal Limit has been sanctioned in



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G.O.1177 Rural Development and Local Administration Department dated: 20.06.1973 wherein [T.S.No.](#) 14,15,16 and 17 were included in schedule-1. The above G.O. was published in Tamil Nadu Government Gazette part-II, Section-I, Page No.2 to 26 dated:24.10.1973.

A draft proposal for forming a scheme road in [T.S.No's](#): 14,15&16 has been sent to the Director of Town and Country Planning, Chennai by the Deputy Director of Town and Country Planning, Coimbatore and it is still pending for submission of additional particulars from the concerned.

A proposal for forming a scheme road in [T.S.No's](#): 14,15 &16 has been sent but, it is not yet been finalized and approved by the authority concerned. In this circumstances, House Site Pattas have been issued by way of the encroachments made by deserving peoples in Town Survey Ward - E Block - 1 T.S. No's: 14,15,16, Ward - H Block - 1 [T.S.No's](#): 1 & 5 and Ward - H Block 2. [T.S.No's](#): 1/1 & 1/2 after getting consent from the District Level Senior Officer (Regional Director of Municipal Administration) of the concerned department where the Government poramboke land vested with.

Out of 271 House Site Pattas issued 160 House Site Pattas have been issued in Ward - H, Block-1, T.S. No's: 1 & 5 and Ward - H. [Block-2.T.S.No's](#): 1/1 & 1/2 which were not covered in the proposal sent by the Deputy Director of Town and Country Planning, Coimbatore.

As per the powers envisaged in the Municipalities Act, 1920 sec 61(2), the lands such as road, cart track, Bridge, drainage etc., which falls within the Municipal limit, vests with the Municipality.

Sec 21 (6) of the Revenue Standing order states that, when the existing village sites are not sufficient for the needs of the resident villagers, the District Collector is competent to transfer the classification of all Un-



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objectionable Government Porambores into village site for giving house site pattas.

As per G.O.854 Revenue (R.D1(2)) Department dated: 30.12.2006 and G.O.372 Revenue Department (R.D1(2)) dated 26.08.2014 the District Collector is empowered to regularize the encroachments by way of houses constructed prior to 01.06.2007 in the Government poramboke lands after getting approval from the District Level Committee chaired by District Collector where District Revenue Officer, Revenue Divisional Officer and the District Level Senior Officer (Regional Director of Municipal Administration) of the concerned department where the Government poramboke land vested with, are members.”

4. In view of the counter filed by the District Collector, Coimbatore, we are not inclined to interfere with the occupants, who have already been granted free house site patta under the Government's Scheme. However, it is made clear that the encroachers in the opposite side of the road must be evicted and more wider road for the benefit of the public at large in that locality is to be provided, as stated by the District Collector in Paragraph No.4 of his counter dated 11.08.2015. The pattas granted are directed to be restricted in respect of the beneficiaries, who have already received patta. The respondents are directed not to grant any more patta or allow any further encroachers in that locality and directed to maintain the public road and streets free from encroachments. If any such encroachments are identified, the same is to be removed by following the procedures, as contemplated



under the Act and Rules. It is made clear that no more pattas are to be granted in respect of encroachers in that locality and the remaining roads are to be maintained free from encroachments in all respects.

5. With these directions, the Writ Petition stands disposed of.

No costs.

(S.M.S.,J.) (K.R.S.,J.)
12.03.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

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