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W.M.P. No. 29755 of 2023
in
W.P. No. 19286 of 2021

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**S.S.SUNDAR, J.
and
P.D.AUDIKESAVALU, J.**

[Order of the Court was made by S.S.SUNDAR, J.,]

The Public Interest Litigation in W.P. No. 19286 of 2021 had been filed for directing the Government of Tamil Nadu and its officials across the State not to convert the Meikaal/Mandhaiveli Poramboke Lands for the purpose of granting patta. While disposing the said Writ Petition by order dated 02.02.2022, it had been observed as follows:-

*“5. Admittedly, Meikaal poramboke and Mandaiveli lands are earmarked for the purpose of grazing cattles and therefore, whenever it is to be converted, equivalent land has to be allocated for the said purpose. The provision regarding conversion at times is being misused and therefore, the Apex Court in the case of **Rameshbhai Virabhai Chaudhari v. The State of Gujarat**, [Civil Appeal No.5135 of 2021, dated 6.9.2021], which dealt with unauthorised encroachment on gauchar land, i.e., grazing land, held that the grazing land*



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should be used only for the purpose for which it is permitted and no encroachment on such land is permissible. The relevant paragraphs of the said judgment are quoted hereunder:-

“It is trite to say that gouchar land can be used only for purposes for which it is permitted to be used. If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on. Rehabilitation of persons is really not required in the present case as only three persons are entitled to an alternative site as per rules. There is of course some dispute whether the encroachers have made permanent structures or kuchha construction for keeping cattle but be that as it may, the user cannot be contrary to what is being permitted for gouchar land, which is a grazing land.

In view of the aforesaid, a direction is issued to bring the land in conformity with its use by the State Government taking appropriate action within a maximum period of three months from today.”

6. Taking into consideration the aforesaid direction read with the



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Rules permitting conversion of Meikaal Poramboke and Mandaiveli lands in the State of Tamil Nadu, we find it to be appropriate to direct the respondents not to convert those lands for regularization of encroachment. For other purposes also, conversion of land cannot be permitted unless equivalent area is identified and earmarked for such purpose. Any order to be passed for it shall be only after the prior approval of this Court. It would be by filing a separate application in the disposed of petition, justifying the conversion of lands and the purpose sought to be achieved, so that the judgment of the Apex Court referred to above is taken to its logical conclusion.”

It is in furtherance of the said order, the Government of Tamil Nadu has filed this Miscellaneous Petition for grant of approval for 97 properties mentioned therein for conversion from Meikaal/Mandhaiveli Poramboke Lands for certain public purposes by giving equivalent extent of suitable alternative lands.



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2. In accordance with the earlier order dated 14.02.2024, the Secretary to Government, Revenue and Disaster Management Department, Government of Tamil Nadu, has filed an affidavit dated 14.02.2024 on behalf of the State placing the inspection report of the Joint Committee Revenue & AHFD Department and District Collector Report obtained for all 97 proposals with specific undertaking that if any of the alternative lands for those 97 proposals are not found suitable for grazing, immediate measures would be taken to provide some other suitable land for grazing in the same vicinity in that regard.

3. Accepting the same, it is ordered that on the competent authority of the Government of Tamil Nadu issuing the requisite notification converting the alternative land provided for grazing purpose as Meikaal/Mandhaiveli Poramboke Lands following the prescribed procedure in each of the 97 cases, it would be open to the Government of Tamil Nadu to convert the respective 97 Meikaal/ Mandhaiveli Poramboke Lands for the public purpose mentioned subject to the condition that if any of those alternative lands are found to be not suitable for grazing at any time later, it would be incumbent upon the Government of Tamil Nadu to forthwith provide some other suitable equivalent land for that purpose as per the undertaking made to the court.



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4. In the result, this Miscellaneous Petition is disposed on the aforesaid terms.

(S.S.S.R., J.)

(P.D.A., J.)

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Note : Issue order copy by 20.02.2024.



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