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W.P.No.32084 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.P. No.32084 of 2019
and
W.M.P. Nos.32345, 32347 of 2019 and 5421 of 2020

Chandra

Legal representative of P. Ganesan [deceased]

... Petitioner

Vs.

1. The District Revenue Officer,
Erode.

2. The Revenue Division Officer,
Erode.

3. The Revenue Tahsildar,
Kodukudi, Erode District.

4. The Land Revenue Inspector,
Sivagiri, Kodumudi Taluk, Erode District.

5. Krishnaveni W/o. Late Ramalingam
Respondents

.....

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorari calling for the production of the records relating



to the order dated 15.10.2019 made in Na. Ka.25561/2019/U1 passed by the 1st respondent herein confirming the order of the 2nd respondent dated 14.08.2019 made in Na.Ka. No.2878/2019/AA1 and the order of the 3rd respondent dated 20.06.2019 made in Na.Ka.No.450/2019/A1 and quash the same.

For Petitioner : Mr. S. Shanmuga Sundaram

For Respondents : Mr. A. Selvendran
Special Government Pleader
[for R1 to R4]

Mr. B. Singaravelu for
Mr. P.P. Shanmuga Sundaram
[for R5]

ORDER

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

The order passed by the Erode District Revenue Officer dated 15.10.2019 is sought to be quashed in the present Writ petition.

2. The District Revenue Officer, Erode after conducting an enquiry identified the subject property under the possession of the Writ petitioner is a “Natham Poramboke” land and the petitioner has encroached upon a portion of the land. It is not in dispute that the petitioner is in occupation of



the Natham Poramboke land measuring about 0.01.50 hectares (approximately below 3 cents) in R.S. No.1668/14, Sivagiri Village, Erode.

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3. The learned counsel for the petitioner Mr. S. Shanmuga Sundaram would submit that the petitioner is a landless poor person and in occupation of Natham Poramboke land and the extent of occupation is below 3 cents. The 5th respondent raised an objection and filed complaint on personal motives and the 5th respondent is residing nearby. Though the authorities have, so far, identified the petitioner as an encroacher, there is no impediment for grant of patta to the petitioner in respect of land, since the petitioner had already constructed a house and is residing there.

4. The learned counsel appearing on behalf of the 5th respondent would oppose by stating that the petitioner is identified as an encroacher. There is a community well situated in the said subject property and the petitioner has rented out the house constructed by him. The order impugned would indicate that a well is situated nearby the land classified as Government Poramboke land. There is no impediment to grant patta in respect of Natham Poramboke land to the landless poor persons by



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scrupulously following the conditions stipulated in the Revenue Standing orders. The authorities are bound to consider whether such allotment would cause any prejudice to the interest of the people residing in that locality. Undoubtedly, the area covered under the community well cannot be assigned in favour of any person. The well is to be maintained for the benefit of the people residing there. However, the eligibility of the petitioner for grant of free house site pattas may be considered in accordance with law. If the land, under encroachment, is not suitable and objectionable, then an alternate land may be considered for grant of free house site pattas in accordance with the Rules. However, we find that the petitioner is in occupation of Natham Poramboke land and the occupation is below 3 cents and that being the case, the official respondents are directed to consider the case of the Writ petitioner for the purpose of grant of free house site pattas in favour of the petitioner by following the conditions as stipulated in the Revenue standing orders.

5. With these directions, the order impugned passed by the District Revenue Officer, the 1st respondent herein, vide Proceedings dated 15.10.2019 made in Na. Ka.25561/2019/U1, is quashed.



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6. Accordingly, this Writ petition stands allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

(S.M.S.J) and (K.R.S.J)

14.02.2024

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
mjs

To

1. The District Revenue Officer,
Erode.
2. The Revenue Division Officer,
Erode.
3. The Revenue Tahsildar,
Kodukudi, Erode District.
4. The Land Revenue Inspector,
Sivagiri, Kodumudi Taluk, Erode District.



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S.M.SUBRAMANIAM, J.
and
K. RAJASEKAR, J.

mjs

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