



W.P.No.34285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34285 of 2023

K.Prabakaran

S/o.Karuppananna Gounder

... Petitioner

Vs.

1.The Commissioner of Land Administration,
Elizhagam, Chepauk, Chennai - 5.

2.The Additional Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 9.

3.The District Collector,
Namakkal District.

4.The Thasildar,
Office of the Tahsildar, Paramathi Velur,
Namakkal District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records with respect of the impugned order passed by the third respondent in his proceedings in Na.Ka.No.31859/2021/J3 dated 23.11.2023 and quash the same, consequently direct the third respondent to grant long term lease to the petitioner with respect to Government Porampoke land comprised in



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SF No.440/3 of E.Nallagoundampalayam Village, Paramathivelur Taluk, Namakkal District by considering the representation of the petitioner herein dated 08.02.2022.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.U.Baranitharan
Additional Government Pleader

O R D E R

This writ petition has been filed to call for the records with respect to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.31859/2021/J3 dated 23.11.2023 and quash the same, consequently direct the third respondent to grant long term lease to the petitioner with respect to Government Porampoke land comprised in SF.No.440/3 of E.Nallagoundampalayam Village, Paramathivelur Taluk, Namakkal District by considering the representation of the petitioner herein dated 08.02.2022.

2. The petitioner is before this Court for the third time. The petitioner seeking to provide long term lease for expanding his business in a



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Natham Porampoke land bearing SF.No.440/3 at E.Nallaagoundampalyam Village, Jameen Elampalli Village, Paramathi Velur Taluk, Namakkal District. He sent a detailed representation to the respondents on 25.11.2021 which was considered by the respondents 2 to 4 and forwarded the same to the first respondent. Since no action was taken by the first respondent, the petitioner filed a first writ petition in W.P.No.5810 of 2022 to consider his representation. The said writ petition was subsequently withdrawn by the petitioner himself. Since no action was taken, the petitioner filed another writ petition in W.P.No.34106 of 2022 seeking to consider his representation dated 08.02.2022 to grant long term lease to the petitioner with respect to the Government Porampoke land in the survey number mentioned above. The said writ petition was disposed of by this Court on 04.01.2023 and the following order was passed:

"4. The learned Special Government Pleader for the respondent would submit that, since the land is admittedly a Government Porampoke land, the petitioner cannot seek as a matter of right in long term lease, anyhow the representation given by the petitioner would be



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considered on merits by the 3rd respondent/District Collector within a time frame that may be stipulated by this Court.

5. Considering the limited scope of the prayer sought for herein and having regard to the said submission made by the learned Special Government Pleader for the respondents, this writ petition is disposed of with the following orders:

There shall be a direction to the 3rd respondent to consider the representation of the petitioner dated 08.02.2022 and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With this direction, this Writ Petition is disposed of. No cost."

3. Thereafter the third respondent by impugned order dated 23.11.2023 rejected the representation of the petitioner. Challenging the same, the petitioner has filed the present writ petition.



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4. The learned counsel appearing for the petitioner reiterated the averments made in the counter affidavit filed in support of the petition and sought for setting aside of the impugned order and directing the third respondent to grant long term lease to the petitioner with respect to the petition mentioned land.

5. The counter affidavit has been filed on behalf of the fourth respondent stating that the petition mentioned land is classified as Natham Porampoke land and it is intended to be allotted to the landless poor. That apart, a civil suit in O.S.No.132 of 2012 seeking permanent injunction was filed by Chennimalai Goundar and Nallappagoundar before the District Munsif, Paramathi not to grant patta to anyone insofar as R.S.No.440/3 and the same was dismissed on 24.04.2019. Against the said judgment and decree, they preferred an appeal before the learned Subordinate Judge, Paramathi. Therefore, the petitioner in order to stall the proceedings of the Government in providing free house site patta to the landless people belonging to the schedule caste had indulged in filing the writ petition after writ petition seeking grant of long term lease to expand his business.



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6. This Court after considering the submissions made by the learned counsel appearing for both sides and the materials available on record is able to find that the petitioner, as a matter of right cannot seek for long term lease of land classified as Natham Porampoke land which is intended for distribution to the landless poor. That apart, as against the judgment and decree, an appeal has already been filed in this regard which is pending before the Appellate Court, hence, the petitioner cannot maintain this writ petition seeking for long term lease with respect to the petition mentioned land.

7. Accordingly, this Writ Petition is dismissed with the above observations. No costs.

21.10.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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