



W.P.(MD) No.87 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.87 of 2024
and W.M.P.(MD)Nos.76 & 77 of 2024

- 1.V.Perumal
- 2.N.Jeyanarayani
- 3.P.Ramachandran
- 4.R.Jeyapanchali

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Revenue Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Special Commissioner cum
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.



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3.The District Collector,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Taluk Office,
Devakottai Taluk,
Sivagangai District.

5.The Commissioner,
Devakottai Municipality,
Devakottai,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 3rd respondent herein in Na.Ka.E4/23903/2023, dated 31.10.2023 and quash the same and consequently direct the respondents 1 and 2 herein to pass necessary orders for change of classification of lands after receiving necessary proposals from the respondents 4 and 5 and thereupon further direct the respondents 3 to 5 to issue free house site patta to the petitioners and their family members in respect of their respective house property bearing original Survey Number 94, sub divided as T.S.No. 94/2,3, 96/2 and 3, Ward Number J, present Ward No.22, Block Number 16, Uthayachi Group, Kaliamman Kovil Street, Jeeva Nagar, Devakottai Town and Taluk, Sivagangai District.



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For Petitioners : Mr.A.Saravanan

For Respondents : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader for R1 to R4
Mr.KR.Bharathi Kannan for R5

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for issuance of a Writ Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 3rd respondent herein in Na.Ka.E4/23903/2023, dated 31.10.2023 and quash the same and consequently direct the respondents 1 and 2 herein to pass necessary orders for change of classification of lands after receiving necessary proposals from the respondents 4 and 5 and thereupon further direct the respondents 3 to 5 to issue free house site patta to the petitioners and their family members in respect of their respective house property bearing original Survey Number 94, sub divided as T.S.No. 94/2,3, 96/2 and 3, Ward Number J, present Ward No.22, Block Number 16, Uthayachi



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WEB COPY Group, Kaliamman Kovil Street, Jeeva Nagar, Devakottai Town and Taluk, Sivagangai District.

2. The learned counsel for the petitioners submitted that the petitioners are in occupation of the subject property in question along with their family members for more than 44 years. The petitioners have made a request to the respondents 1 to 4 for issuance of free house site patta in the subject property in question. According to the petitioners, the neighboring persons, who are residing adjacent to the petitioners' land, have been granted free house site patta. However, the third respondent without considering the same, has passed the impugned order. Further, it is the case of the petitioners that the Revenue Authorities alone is the competent authority to issue the impugned order. However, the present impugned order has been issued by the District Collector. Therefore, the impugned order is erroneous and liable to be set aside.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that the property in question have been classified as



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Government Poramboke street and therefore, the third respondent has issued the impugned order for evicting the petitioners in the property in question. He further submitted that in the impugned order, the third respondent directed the concerned Thasildar to found and provide alternate site and issue patta to the petitioners. Therefore, there is no illegality in the impugned order and hence, this Writ Petition is liable to be dismissed.

4. We have carefully considered the rival submissions and perused the materials available on record.

5. On a perusal of the records, it is seen that the property in question have been classified as Government Poramboke street. Therefore, the petitioners cannot have any legal right to occupy the Government land. Further, in the impugned order, the respondents have also agreed for providing alternate site to the petitioners. Therefore, the contention of the petitioners cannot be entertained and the Writ Petition is liable to be rejected.



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6. Accordingly, this Writ Petition is dismissed. Till the alternate accommodation is allotted to the petitioners, the respondents shall not disturb the petitioners' enjoyment in the property in question. Consequently, connected miscellaneous petition are closed. There shall be no order as to costs.

[D.K.K., J.] [R.V., J.]

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Neutral Citation: Yes / No
Index : Yes / No

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