



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR JUSTICE C. SARAVANAN**

**WA No. 3114 of 2024
and
CMP No. 23761 of 2024**

T.Dhanapal

Appellant(s)

Vs

1.The Secretary to the Government
Revenue Department, Fort St. George,
Chennai 5.

2.The District Collector
Thiruvallore, Thiruvallore District.

3.The Thasildhar
Ambattur Taluk, Thiruvallur District.

Respondent(s)



PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by the Learned Judge in WP.No.23508/2012 dated 17-11-2022 and thus render justice.

For Appellant(s): Mrs.Rita Chandrasekar
 For Mrs.R.Meenakshi

For Respondent(s): Mr.Vadivelu Deenadayalan, AGP

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

The present Intra-Court Appeal has been instituted to assail the writ order dated 17.11.2022 passed in W.P.No.23508 of 2012. The writ petitioner is the appellant before this Court.

2. The writ petition has been instituted challenging the order passed in October, 2011 by the District Collector, Tiruvallur District. The subject land is now falling within the territorial jurisdiction of the Greater Chennai Corporation.

3. The learned counsel appearing on behalf of the appellant would

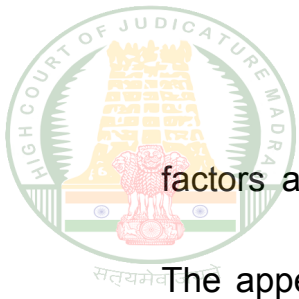


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mainly contend that the appellant is in possession of the subject land for long years and had submitted an application seeking assignment patta. Since it is not granted, he submitted an application before the District Collector, Tiruvallur, which was rejected. Therefore, the writ petition came to be instituted.

4. The learned counsel for the appellant drew the attention of this Court with reference to the observations made in Government orders that assignment patta is to be granted to the occupants of Government lands.

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents would oppose by stating that the subject land is a waterbody and a portion of the land has been reclassified for developing housing schemes by the Tamil Nadu Housing Board. All these factors are to be verified by the competent authority, since many number of order have been passed by the Government and the competent authorities regarding vast extent of land measuring about 99.80 acres in S.No.253 composite survey No.250. The said land has been sub divided on several occasions. These



factors are to be ascertained with reference the revenue records available.

The appellant claims that he is entitled for assignment patta to an extent of

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2.27 acres in S.No.253/9 and 3.46 acres in S.No.253/7, measuring to an total extent of 6.61 acres in Padi Village, presently falling under the territorial jurisdiction of Greater Chennai Corporation. The writ appellant has filed the writ petition in his individual capacity. Though he designate himself as the President of the Association, the writ petition has been instituted in his individual name, not in the name of the Association. Already the Government, passed an order in Letter (Ms) No.394 dated 30.06.2008 in pursuant to the orders of the High Court in W.P.No.6540 of 1997 and W.P.No.3239 of 2000.

6. The said Government letter speaks about grant of assignment patta to 69 members subject to satisfying their possession. Regarding the possession in continuation of the Government order, the District Collector, Tiruvallur considered in the impugned order in the writ proceedings, wherein it is stated that the land is vacant and therefore, assignment patta cannot be granted based on the Government order. Before the Writ Court, a status report was filed by the official respondents. The said report shows that the



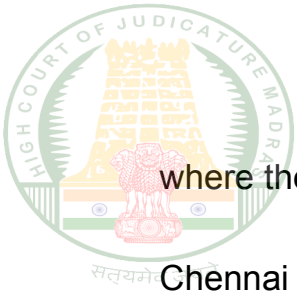
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respondents will evict the encroachers in S.Nos.253/15 and 253/16, which is classified as “pond” and “canal” respectively. Since status report is filed that the above survey numbers are waterbodies, the encroachers are to be evicted within a period of six months.

7. The learned counsel for the appellant would submit that the said survey number is not related to the property which is in the possession of the appellant.

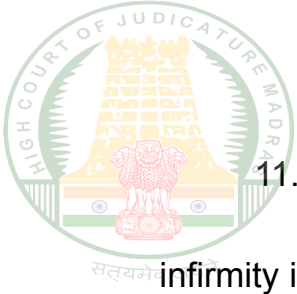
8. Be that as it may. The High Court in exercise of powers of judicial review, cannot conduct a roving inquiry with reference to the revenue records, which is to be verified by the competent authorities. The Government order dated 30.06.2008 is confined only in respect of the land to an extent of 2.27 acres in Survey Nos.253/7 and 253/9 in Padi Village. However, the claim of the appellant is to the extent of 6.61 acres of Government land.

9. The facts as narrated by the appellant raise several serious doubts in the mind of this Court. The subject property situated within Chennai City limits,



where there's a ban for granting assignment patta within a 32 Kms radius from Chennai City. Therefore, the authorities are expected to be cautious while considering the application seeking assignment patta in respect of the land situated in and around Chennai City.

10. Encroachments in waterbodies are to be removed as per the direction issued by the Writ Court. If the appellant submitted applications for alternate accommodation, it is to be considered strictly in accordance with the terms of schemes, if any available for grant of free house site patta or alternate accommodation through Tamil Nadu Urban Habitat Development Board. Contrarily, valuable lands situated within Chennai City cannot be claimed by the encroachers and therefore, the authorities are bound to verify the revenue records, identify the waterbodies, remove the encroachers from the waterbody and consider their application, if any submitted for grant of alternate accommodation in terms stipulated under Revenue Standing Orders (RSO) 21.



11. In view of the facts and circumstances, this Court do not find any

infirmity in respect of the writ order dated 17.11.2022 passed in W.P.No.23508

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of 2012 and consequently, the Writ Appeal stands dismissed. The connected

Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)

09-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Jeni

To

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