



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.12156 of 2022
and WMP No.11599 of 2022

G.Ramalakshmi

.... Petitioner

.Vs.

1.The Chairman
Tamil Nadu Urban Habitat Development Board
Kamarajar Salai
Chennai 600 005.

2.The Executive Engineer
Division-II
Tamil Nadu Urban Habitat Development Board
TP Chatram, Chennai 600 010.

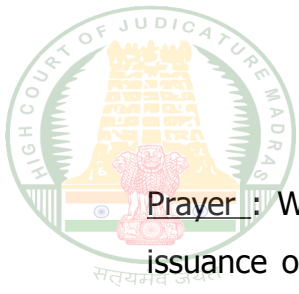
3.The Estate Officer
Estate Office-II
Tamil Nadu Urban Habitat Development Board
TP Chatram, Chennai 600 010.

4.The Inspector of Police
N1, Royapuram Police Station
Royapuram, Chennai-13.

5.The Tahsildar
Tondiarpet Taluk
Tondiarpet
Chennai 600 081.

.. Respondents

(R5 impleaded vide order dt.10.06.2025 made in
WMP.40651/2024 in WP.12156/2022 by NAVJ)



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Form-B notice dated 22.04.2022 issued by the third respondent, quash the same and forbearing the respondents and their subordinates from in any manner removing/demolishing the petitioner's residential house in S.No.11/1, Block No.2, Tondairpet Taluk, bearing Door No.32A/33A Chidambranathan Street, 1st Lane, Anjaneya Nagar, Royapuram, Chennai-13.

For Petitioner : Mr.P.Mani

For Respondents : Mr.G.Sivakumar
Standing Counsel
for R1 to R3

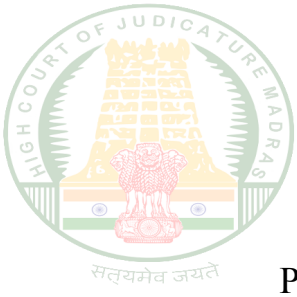
Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
for R4

Mr.P.Ganesan
Additional Government Pleader
for R5

ORDER

This writ petition has been filed challenging the impugned notice issued by the 3rd respondent dated 22.04.2022 and to forbear the respondents from in any manner evicting the petitioner from the subject property.

2.When the writ petition came up for hearing on 10.06.2025, this Court passed the following order:



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Mr.E.Vijay Anand, learned Additional Government Pleader takes notice on behalf of the impleaded 5th respondent.

2.The learned Additional Government Pleader appearing on behalf of the impleaded 5th respondent shall take specific instructions as to whether the subject property has been categorized as a Government poramboke land or it belongs to the Tamil Nadu Urban Habitat Development Board. The impleaded 5th respondent shall submit a report in this regard. Considering the same, this Court will proceed to hear the main writ petition and pass final orders.

3.Post this writ petition on 24.06.2025.

3.When the writ petition taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the impleaded 5th respondent produced the written instructions received from the 5th respondent. On carefully going through the same, it is seen that the subject property has been categorized as sarkar poramboke in the revenue records.

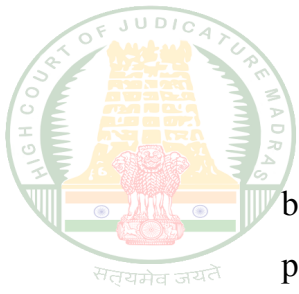
4.The facts of the present case and the grievance expressed by the petitioner were captured by this Court in the earlier order passed on 06.05.2022 and the same is extracted hereunder:

It is stated that the petitioner belongs to Adi Andhra Community, worked as Scavenger in Chennai Corporation and



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retired from service. According to the petitioner, she is in occupation of Government poromboke land measuring an extent of 293 square feet in Anjaneya Nagar, Royapuram, Chennai for a period of 60 years. According to the petitioner, similar lands occupied by her community people have been regularised by the District Collector, Chennai by issuing assignment patta to them on 16.06.1993. However, the petitioner, at that time, could not apply for assignment patta due to lack of guidance and assistance. On coming to know about the assignment patta issued to similarly placed persons, the petitioner has been repeatedly approaching the revenue authorities to issue assignment patta to her, but the same was not considered. Therefore, the petitioner approached this Court by filing WP No. 31175 of 2019 to direct the respondents to consider her representation and pass orders. During the pendency of the said writ petition, the Tahsildar, Tondiarpet Taluk passed an order dated 26.02.2020 rejecting her representation. Challenging the order dated 26.02.2020, the petitioner filed a statutory appeal before the District Revenue Officer, Chennai. However, during the pendency of the appeal, it is stated that attempts were made to dispossess the petitioner from her residential house. Therefore, the petitioner has filed WP No. 23759 of 2019 before this Court. When WP No. 23759 of 2019 was taken up for hearing, on behalf of the respondents, it was represented that they are not taking any steps to forcibly evict the petitioner without following the due process of law. Therefore, recording such submission, WP No. 23759 of 2019 was closed on 14.08.2019. Thereafter, on 25.03.2022, the third respondent affixed a Form A notice indicating as if the petitioner has encroached the land



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belong to the Tamil Nadu Urban Habitat Development Board. The petitioner therefore sent a detailed reply dated 05.04.2022 and requested to grant assignment patta to her on par with similarly placed persons. However, a further notice dated 06.04.2022 was affixed in the door of her house specifically stating that the petitioner has encroached the Government Poromboke land. Following the notice dated 06.04.2022, the third respondent issued Form B notice dated 22.04.2022 and called upon the petitioner to vacate the residential house within 15 days. Aggrieved by the notice dated 22.04.2022 issued in Form B, calling upon the petitioner to vacate the residential house in her occupation, the petitioner has come up with this writ petition.

2. The learned counsel for the petitioner submitted that the petitioner is 65 years old and she is in occupation of a land measuring 293 square feet and residing thereon. The persons similarly placed like the petitioner, who were also in occupation of government poromboke lands, were given assignment patta, but the petitioner was deprived of such a benefit. It is also stated that the statutory appeal filed by the petitioner is pending before the District Revenue Officer, Chennai till date, while so, the attempt on the part of the respondents to evict the petitioner from her residential house is unjustified.

3. Mrs. Anitha, learned Special Government Pleader takes notice for the respondents 1 to 3 and seeks time to get instructions.

4. Taking note of the submissions made by the learned counsel for the petitioner and the request made by the learned Special Government Pleader, office is directed to post this writ



petition for further hearing during the next vacation Court. In the meantime, there will be an order of status quo.

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5.It is quite apparent from the instructions given by the impleaded 5th respondent that the subject property has been categorized as sarkar poramboke. This Court while passing the earlier order on 06.05.2022 has taken a note of the fact an appeal has been filed by the petitioner against the order passed by the Tahsildar, denying the issuance of patta in her name on the ground of continuous possession for a longtime.

6.The subject property has been categorized as a sarkar poramboke and therefore neither the Tahsildar nor the DRO has the power to issue patta to the petitioner. It will be relevant to take note of G.O.Ms.No.205 dated 26.04.2025. This Government Order has been issued to give an opportunity to persons who have put up residential buildings by encroaching upon the Government poramboke lands and are in occupation for more than 10 years/5 years respectively. The District Collector has been given the power to deal with the request made for issuance of patta in line with the said GO.

7.In view of the above, it is left open to the petitioner to submit a representation before the District Collector seeking for issuance of patta. On receipt of the same, the District Collector shall deal with the representation in line with



GO.Ms.No.205, dated 26.04.2025 and take a decision preferably, within a period of twelve weeks from the date of receipt of the representation and inform the same to the petitioner. The petitioner shall make the representation before the District Collector within a period of four weeks from the date of receipt of copy of the order. Till the District Collector takes a final decision, the present status quo shall be maintained.

8. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2025

Index : Yes/No
NCS : Yes/No
KP



N.ANAND VENKATESH, J.

KP

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