



WEB COPY

WA.No.1453 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WA.No.1453 of 2024
and
CMP.No.10369 of 2024

Mrs.Sandra Dawn Collins

... Appellant

Vs.

1. The Commissionerate of Land Administration,
II Floor, Ezilagam,
Chennai - 600 005.
2. The Collector,
Chengalpet District at
Chengalpet.
3. The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Chengalpet District.
4. The Executive Officer,
Cantonment Board,
St.Thomas Mount,
Chennai - 600 015.

... Respondents



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Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 05.04.2024 in W.P.No.9267 of 2024.

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For Appellant	: Ms.S.Jaimithra for Mr.V.Viswanathan
For Respondents	: Mr.R.Ramanlaal Additional Advocate General assisted by Mr.Vadivelu Deenadayalan Additional Government Pleader for R1 to R3 : Mr.C.Mohan and Ms.A.Rexy Josephine Mary for M/s.King & Partridge for R4

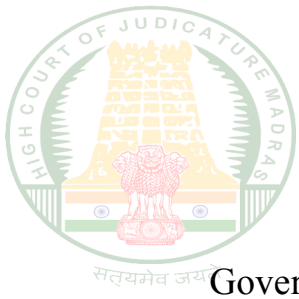
JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ order dated 05.04.2024 passed in W.P.No.9267 of 2024 is under challenge in the present writ appeal.

2. The writ petitioner is the appellant before this Court.

3. The rejection order passed by the respondents to accede the claim of the appellant for assignment of Government land is the issue raised in the present writ appeal.



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4. The writ Court considered the fact that the assignment of Government land in the suburban areas to Chennai is prohibited and consequently, rejected the writ petition.

5. Pertinently, the appellant earlier filed W.P.No.33019 of 2023. This Court directed the Authorities to evict the appellant by following the due procedures.

6. However, the respondents also have not acted in accordance with law by evicting the encroacher in the Government land.

7. By encroaching upon the Government land, the appellant is filing writ petition after writ petition seeking assignment. Therefore, the Authorities are expected to act swiftly to ensure that the encroachments are removed. The Commissioner of Land Administration / first respondent is directed to depute an Official to know about the collusion of the field level Authorities in this kind of issues. By several writ petitions, the Government properties are thwarted and therefore, an action against the Authorities for their lapses and inaction is also just and necessary.



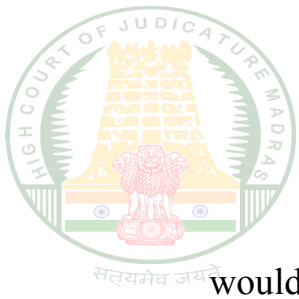
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8. The assignment of land cannot be claimed as an absolute right.

Assignment is to be made to the poor landless people by the Government under welfare schemes. High Court cannot issue any direction to the Government to assign the Government land. Thus, the very relief sought for is misconceived. The Authorities have rejected the claim of the appellant to assign the Government land, which is under encroachment.

9. The Division Bench of this Court also passed an order dated 22.11.2023, directing the authorities to take steps to evict the encroachers. Despite the order, the Authorities are not in a position to evict on account of repeated filing of writ petition. Thus, the appellant is not entitled for any relief and the respondents are directed to evict the appellant and other encroachers from the Government land forthwith by following the due procedures.

10. In respect of 'B2' expired leased out lands, the Government Authorities are empowered to initiate action to resume the land by evicting the unauthorised occupants. On expiry of lease period, the lessee is not entitled to continue in the Government land, unless the lease is renewed by the competent Authorities.



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11. In the present case, the learned Additional Advocate General would submit that lease was not renewed and the erstwhile lessees are unlawful occupants. Other adjacent Government lands leased out also under unlawful occupants of the individuals and therefore, the respondents are directed to initiate all appropriate action to resume the entire 'B2' lands, where leases are not renewed and utilise the said lands for public purposes.

12. With the above directions, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]

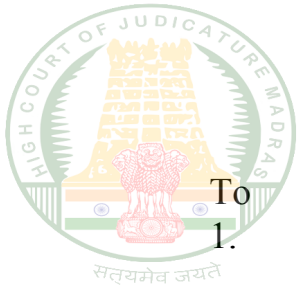
08.04.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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