



WA No. 2982 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

WA No. 2982 of 2021

1. VAHITHA

W/o Akeem

2. PREETHI

D/o Nathan

3. SATHYABAMA

W/o Late Baskaran

4. Anjala @ Elan Marry,

W/o Sureshkumar

5. Devi Sri R

D/o Ramalingam

6. SHANTHI

W/o Chandra Kumar

7. Leema Roselin

W/o Louis

Appellant(s)



Vs

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1. The State Of Tamilnadu,

Rep By The Secretary, Revenue
Department Fort St.George,
Chennai - 9

2. The Land Special Commissioner
-cum-administrative Commissioner,
Revenue Department, Ezhilagam,
Chepauk, Ch -5.

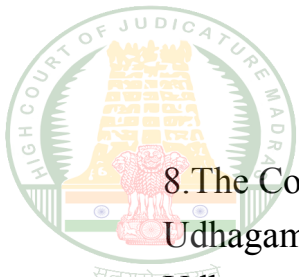
3. The District Collector
Office Of The District Collector,
Udhagamandalam, Nilgiris Dt.

4. The Revenue Divisional Officer,
Office Of Revenue Divisional Office,
Udhagamandalam, Nilgiris Dt.

5. The Tahsildar
Office Of Tahsildar, Udhagamandalam,
Nilgiris Dt.

6. The Revenue Inspector
Office Of The Revenue Inspector
Office,
Udhagamandalam Town,
Udhagamandalam, Nilgiris Dt.

7. The Village Administrative Officer,
Office Of The Village Administrative
Office, Udhagamandalam (west)
Nilgiris Dt.



8. The Commissioner
Udhagamandalam Municipality,
Udhagamandalam Town,
Nilgiris Dt.

Respondent(s)

PRAYER

To set aside the order in W.P.NO.29582 of 2018 by order dated 29-06-2021.

For Appellant(s): Mr.C.Venkatesan

For Respondent(s): Mr.D.Ravichandar,
Special Government Pleader for R1 to R7
Mr.P.Srinivas for R8

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ appeal has been instituted to set aside the order in W.P.No.29582 of 2018 by order dated 29.06.2021.

2. Free house site patta can never be claimed as an absolute right. It is a concession granted by the Government to the landless poor people based on the eligibility criteria fixed under the welfare scheme. Therefore, concessional scheme is to be implemented scrupulously in accordance with the terms and conditions stipulated under the scheme. The Courts cannot expand the scope of



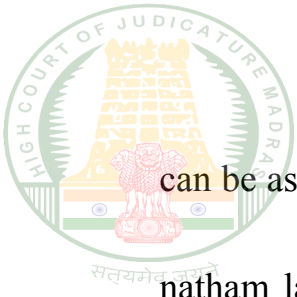
the scheme for the purpose of grant of free house site patta. The eligibility criteria is to be ascertained by the authorities competent.

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3. In the context of the above governing principles, the facts in the present case show that the appellants have encroached upon the Government land in a hilly area where lands are scarce. The authorities have initiated action. Thus, the petitioners have claimed patta in respect of the land under their occupation. During the course of enquiry, the authorities found that these appellants are owning other properties and therefore, ineligible to submit an application seeking for free house site patta under Government welfare schemes.

4. Once the authorities find that the persons are ineligible under the scheme, the Court cannot direct the authorities to grant a free house site patta.

5. Free house site patta schemes are formulated under Revenue Standing Order 21. The Revenue Standing Order imposes certain restrictions and conditions for the assignment of Government lands at free of cost. No person

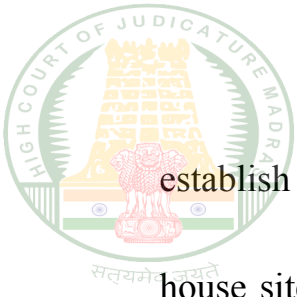


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can be assigned more than 3 cents of free land by the Government. In respect of natham lands, the lands can be assigned only for dwelling purposes. The said land cannot be used for commercial purposes.

6. Even presuming that the appellants are landless poor people, it is for the authorities to consider their application under any one of the welfare schemes and by following the procedures as contemplated, more specifically in terms of Revenue Standing Order 21. However, the High Court, in exercise of the powers of the judicial review, cannot issue a direction to grant a free house site patta, which would not fall under the realm of the powers of judicial review. That apart, the subject land under encroachment belongs to Uthagamandalam municipality, and the said land cannot be parted with.

7. In the present case, the Writ Court has rejected the relief sought for in the writ proceedings mainly on the ground that the respondents have filed a counter stating that the writ petitioners are well off and they are having properties in and around Uthagamandalam Town. It is for the petitioners to



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establish that they are landless poor people for the purpose of getting a free house site patta. However, in the proceedings dated 13.08.2018, the impugned order passed by the Tahsildar, Uthagamandalam, states that the case of the appellants will be considered after lifting of the ban and on priority basis. Subsequently, they have filed a counter affidavit that the appellants are not eligible. However, the eligibility criteria is to be strictly ascertained for the purpose of grant of free house site patta. It is for the Government to consider the applications received from the eligible persons for the grant of house site patta under the welfare scheme. The Writ Court also formed such an opinion. Thus, there is no infirmity in the order impugned. Consequently, the writ order in W.P.No.29582 of 2018 dated 29.06.2021 is confirmed and the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

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

01-09-2025

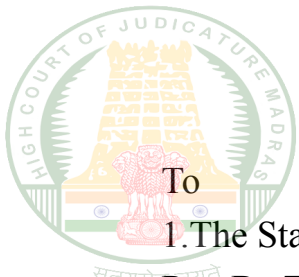
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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