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WP No. 36940 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE S. SOUNTHAR

WP No. 36940 of 2025 AND

WMP Nos.41330 & 41332 OF 2025

K.Pattammal
W/o. Krishnan, No. 130 Mth Road, Veppambattu
Tiruvallur 608 024

..Petitioner

Vs

- 1.The District Collector
Thiruvallur District, Collectorate
- 2.Thiruvallur 602 001
- 3.
- 4.The Divisional Engineer (Highways)
CMDP Division II, No.1 VV Koil Street,
Saidapet Chennai 15
- 5.The Assistant Divisional Engineer (Highways)
Chennai Metropolitan Development
Project(CMDP) Sub Division 6 Panagal Maligai /
MTB Complex Side Saidapet Chennai 15
- 6.The Tahsildar
Tiruvallur Taluk, Taluk Office Tiruvallur 602
001.

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus calling for the records relating to the impugned notice in Notification No. 1/ Vepampattu/ 2024/ PA -11 dated 27.06.2025 issued by the 3rd respondent and quash the same consequently direct the 1st respondents to consider the petitioners representation dated 11.08.2025 and issue patta/ Title deed in her favour for the property comprised in Survey No. 63/9 Veppampattu village, Thiruvallur Taluk, Thiruvallur district admeasuring 700 sq.ft.

For Petitioner : Mr.Muthukumar

For Respondents : Mr.A.Selvendran,
Special Government Pleader

Order

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice in Notification No. 1/ Vepampattu/ 2024/ PA -11 dated 27.06.2025 issued by the 3rd respondent and quash the same consequently direct the 1st respondents to consider the petitioners representation dated 11.08.2025 and issue patta/ Title deed in her favour for the property comprised in Survey No. 63/9 Veppampattu village, Thiruvallur Taluk, Thiruvallur district admeasuring 700 sq.ft.

2. In respect of S.No.63/9, Veppampattu village, Thiruvallur Taluk, Thiruvallur district admeasuring 700 sq.ft is admittedly a Government Poramboke



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land, where the petitioner claimed to have been residing. However, the said land also is part of the land, which was required for construction of the over bridge ie., LC-14 high level fly over in place of Railway Crossing No.14 at Veppampattu Railway Station, Tiruvallur District, for which apart from the large extent of the land having been acquired under the land acquisition proceedings, these type of lands belonging to the persons like the petitioner also were sought for and accordingly the encroachment made by the people like the petitioner was also sought to be removed and a notice to that effect under Section 28 of the Highways Act has been issued by the Highways authorities on 27.06.2025, which is under challenge in the present writ petition.

3. Heard Mr.Muthukumar, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for the respondents.

4. Learned Special Government Pleader would submit that, pursuant to the notice dated 27.06.2025, after considering the reply given by the petitioner, the same having been rejected, the entire encroachment made by the petitioner has been removed and the open land has been handed over to the Highways authorities for the purpose of constructing fly over. When that being the position, the present writ petition since has been filed challenging the order dated 27.06.2025, it has been acted upon by subsequent proceedings, nothing survives in the writ petition.



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5. However, learned counsel for the petitioner would submit that, insofar as the land in question is concerned, that was the only available land where the petitioner had dwelling house and was residing along with her husband and after the demise of her husband, she was residing there. Therefore, all of a sudden because of the construction of the proposed fly over, despite the efforts having been made by the petitioner, she has been removed from the land in question and as of now the petitioner has been completely thrown away from the land and even for residential purpose, the petitioner has no other alternative land. Hence, at least the request of the petitioner be considered for grant of patta for 3 cents of land as house site may be provided under the category of landless poor, which is the Scheme being envisaged by the State.

6. In this context, learned Special Government Pleader would submit that the earlier Scheme of 3 cents of land has been modified and now only one cent is given as free house site and the remaining 2 cents on the basis of cost would be allotted, subject to the availability of the land and also on condition that the allottee shall not have any other land for the purpose of dwelling.

7. We have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.



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8. The petitioner is admittedly in encroachment of the property, from where, after due process of law she has been removed. As of now, the only plea of the petitioner is to consider her plea for grant of patta under the landless poor category, for which no specific application has been made.

9. In that view of the matter, we are of the view that, it is open to the petitioner to make an application to the respondent / revenue authorities seeking for patta or assignment of land under the scheme for the landless poor for the purpose of dwelling house and if any such application is made by the petitioner, that can be considered by the respondents / revenue authorities strictly in accordance with the scheme being envisaged by the Government. In view of the same, insofar as the present land is concerned, the petitioner cannot have any lien or claim any right over the said property as the said land being Government property admittedly. Hence, the present challenge by the petitioner against the notice dated 27.06.2025 has to naturally fail and accordingly the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (S.S.,J.)
22-10-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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To

7.The District Collector

Thiruvallur District, Collectorate

8.Thiruvallur 602 001

9.

10.The Divisional Engineer (highways)

CMDP Division II, No.1 Vv Koil Street

11.Saidapet Chennai 15

12.The Assistant Divisional Engineer (highways)

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Project(CMDP) Sub Division 6 Panagal Maligai /

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**R.SURESH KUMAR J.
AND
S.SOUNTHAR J.**

KST

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