



W.P.(MD) No.16133 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.16133 of 2024

G.Pushparaj

... Petitioner

VS.

1.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai-600 005.

2.The District Collector,
Pudukottai District.

3.The Tahsildar,
Aranthangi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in Na.Ka.No.300/2023/A6 dated 28.03.2024 passed by the third respondent, quash the same as illegal and consequently directing the respondents 1 and 2 to issue patta to the petitioner based on his representations dated 16.08.2003 and 13.11.2023 respectively and pass appropriate orders within the time stipulated by this Court.



W.P.(MD) No.16133 of 2024

WEB COPY

For Petitioner : Mr.J.Malai Raja

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has challenged the impugned order of the third respondent dated 28.03.2024.

2.Heard the learned counsel on either side.

3.According to the learned counsel for the petitioner, the petitioner has been serving the Nation as a Soldier with the Border Security Force for the past 25 years. The lands in question comprised in S.No.205/1 were uncultivable barren lands which were classified as Government Poramboke. According to the petitioner, seven decades ago, his ancestors made the lands cultivable and the family has been in continuous possession and enjoyment of the said lands. Taxes are also being paid for the said lands to the State. According to the petitioner, his



W.P.(MD) No.16133 of 2024

WEB COPY

grandfather, who served in the British Indian Army, was permitted to cultivate the subject lands for his livelihood and right from 1984, the land taxes were paid only in the name of the uncle of the petitioner, one Mr.Mohan. The petitioner has also made representations on 16.08.2003 and 13.11.2023 based on the BSF scheme to assign lands to the petitioner and issue patta. The grievance of the petitioner is that the third respondent, without any opportunity being granted to the petitioner, on 09.11.2023, entered the subject lands and cut down the trees which had been grown by the petitioner and his family members. There has been a gross violation of the principles of natural justice and further, the petitioner also contends that in respect of adjoining lands, pattas have been granted for similarly placed persons. Therefore, the petitioner seeks for the impugned order to be set aside and the direction to be issued to the respondents to grant patta to the petitioner.

4.The learned Government Advocate would, however, submit that the lands which are in the occupation of the petitioner are only in the nature of encroachment and therefore, the petitioner cannot claim patta as a matter of right.



W.P.(MD) No.16133 of 2024

WEB COPY 5.I have considered the submissions advanced by the learned counsel on either side.

6.It is the case of the petitioner that the petitioner has been in possession and enjoyment of the subject lands for several decades altogether and that land taxes have been paid without any default until 2022. Neither the petitioner nor his ancestors have been assigned any lands by the Government in order for them to claim patta. However, considering the fact that the petitioner's grandfather served in the British Indian Army and even the petitioner is now serving the Nation as a Soldier with the Border Security Force for more than two decades, the petitioner shall be at liberty to approach the authorities seeking assignment of either the subject lands, which according to the petitioner is under his occupation even today or alternatively, other lands as he may be eligible under the BSF scheme. The petitioner shall give necessary representation to the second respondent, who shall consider the same, after affording an opportunity to the petitioner to establish his contentions regarding long possession and enjoyment of the subject lands. The second respondent shall also keep in mind the BSF scheme while considering the petitioner's application for assignment of either the subject lands



W.P.(MD) No.16133 of 2024

WEB COPY

or any other alternative lands as the petitioner may be eligible too. The said exercise shall be completed within a period of eight weeks from the date of the petitioner giving an application.

7. With the above observations and directions, this Writ Petition is disposed of. No costs.

14.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1. The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai-600 005.

2. The District Collector,
Pudukottai District.

3. The Tahsildar,
Aranthangi.

5/6



WEB COPY



W.P.(MD) No.16133 of 2024

P.B.BALAJI, J.

sjj

W.P.(MD) No.16133 of 2024

14.03.2025