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W.P.(MD) No.19258 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.19258 of 2024

and

W.M.P.(MD) No.16326 of 2024

Aathilakshmi

... Petitioner

-VS-

- 1.The Commissioner of
Land Administration
Ezhilagam, Chepauk
Chennai
- 2.The Assistant Director
(Land Survey)
Virudhunagar District
- 3.The District Collector
Collectorate
Virudhunagar District
- 4.The Revenue Divisional Officer
Revenue Division Officer, Sathur
- 5.The Tahsildar
Vembakottai Taluk
Virudhunagar District
- 6.Ravisekaran

... Respondents



W.P.(MD) No.19258 of 2024

WEB COPY

[R6 is impleaded vide court order dated 19.06.2025 in W.M.P.(MD) No.19142 of 2024]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the impugned order passed by the 4th Respondent herein in his proceedings in Na.Ka.No.A6/1660/2024 dated 21.05.2024 and the consequential notice issued by the 5th respondent in his proceedings in Na.Ka.AA1/2271/2016 dated 10.07.2024 and quash the same as illegal within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1 to R5
Mr.K.Sasi Prabha
for Mr.G.Prabhu Rajadurai for R6

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The order of rejection rejecting the application made by the petitioner seeking patta in respect of the Government land and Oorani (water body), vide proceedings dated 21.05.2024, is sought to be quashed in the present writ proceedings.



W.P.(MD) No.19258 of 2024

WEB COPY

2. Admittedly, the subject land is classified as “Grama Natham” and a portion of the said land is classified as “Oorani” (water body).

3. Learned counsel for the petitioner would submit that the petitioner is in possession of the Grama Natham land and therefore, she is entitled for patta. The application submitted by the petitioner to the authority concerned seeking patta was rejected. Thus, the present writ petition came to be instituted.

4. That apart, the Tahsildar issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, for removal of encroachments in the subject land, since the petitioner had not produced any document to establish her right nor the subject land was assigned in her favour.

5. A perusal of the affidavit filed in support of the present writ petition reveals that the petitioner is residing in Chennai and she has stated that she is in possession of the Government land and a portion of the said land is classified as “Oorani” (water body).

6. Grama Natham lands cannot be encroached upon and such



W.P.(MD) No.19258 of 2024

WEB COPY

lands are to be regulated by the Government in terms of the Revenue Standing Order 21. Grama Natham lands are to be assigned to the landless poor people for construction of houses for dwelling purpose. Therefore, it is not as if any person can occupy the Grama Natham land irrespective of extent and claim right over the Grama Natham lands. Grama Natham lands are well regulated under the Revenue Standing Orders and assignments are to be granted in respect of the Grama Natham lands by scrupulously following the eligibility criterias as contemplated under the Revenue Standing Orders. No doubt, Grama Natham lands are to be used for dwelling purpose. However, extent of the land is also to be stipulated under the Revenue Standing Orders. In the present case, the petitioner is an encroacher of a Grama Natham land, a portion of which is classified as “Oorani” (water body).

7. The legal principles, in this regard, have been considered by this Court elaborately in the case of **S.Anbanathan vs. District Collector**, reported in **2024 (1) CWC 438** and the **Tahsildar, Sankarapuram, Kallakurichi District Vs.T.Elumalai and others**, reported in 2025 **MHC: 1238**.



W.P.(MD) No.19258 of 2024

WEB COPY

8. Even in the affidavit, the petitioner has admitted that the subject land was not assigned in her favour and further, she is residing in Chennai. In the absence of any assignment, the petitioner cannot have any right to claim the Government property, a portion of which is classified as “Oorani” (water body). Thus, this Court do not find any infirmity or irregularity in the impugned order of the fourth respondent.

9. At this juncture, learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that enforcement actions have already been commenced and thus, the authorities concerned will proceed with the same and remove the encroachments and take possession of the subject land, which is a Grama Natham and Oorani (water body) and utilize the same for the public purpose.

10. In view of the facts and circumstances of the case, the petitioner has not established even semblance of legal right in respect of the claim over the Grama Natham land. Further, in respect of the Grama Natham lands, the Government has to regulate the same by assigning the same for the landless poor people for dwelling purpose, by following the eligibility criterias



W.P.(MD) No.19258 of 2024

WEB COPY

prescribed under the Revenue Standing Order 21.

11. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[A.D.M.C., J.]

05.08.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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Ezhilagam, Chepauk,
Chennai.
- 2.The Assistant Director,
(Land Survey),
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- 3.The District Collector,
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W.P.(MD) No.19258 of 2024

WEB COPY

5.The Tahsildar,
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WEB COPY



W.P.(MD) No.19258 of 2024

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