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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 6213 of 2021

1. Chinnammal
2. Pachayee

..Petitioner(s)

Vs

1. The District Collector
Office of the District Collectorate,
Erode 638 011.
2. Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Gopichettipalayam 638 452,
Erode District.
3. The Thasildar (Revenue)
Andhiyur, Andhiyur Taluk Office, Andhiyur, 638
501.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India for issuing a writ of certiorarified mandamus, calling for the records made in the order made in Na.Ka 352/ 2019A1 dated 21.10.2020 passed by the 3rd respondent, quash the same and direct the respondents to grant assignment



orders to the petitioners in S.No.811 Burgur 'A' Village, Athiyur Taluk, Erode District.

For Petitioner(s): Mr. P. K.Harinath Babu
For Respondent(s): Mr. T.Arun Kumar,
Additional Government Pleader

ORDER

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

Under assail is the order passed by the 3rd respondent dated 21.10.2020 in Na.Ka 352/ 2019A1, rejecting the claim of the petitioners for grant of house site patta/assignment in hilly areas in S.No.811 Burgur 'A' Village, Athiyur Taluk, Erode District.

2.Petitioners are identified as encroachers by revenue authorities in hilly areas. Enforcement actions were initiated for removal of encroachments. Encroachers submitted an application for grant of patta in respect of the Government land. Revenue Tahsildar conducted a detailed enquiry and passed an impugned order, rejecting the application, mainly on the ground that as per the Government Order in GO.Ms.No.1168, Revenue Department, dated 25.07.1989, ban orders were issued for land assignment in hill areas. Ban was also applicable to house site assignment in hill areas. In view of the said Government Order, Revenue authorities declined to grant house site patta, as requested by the petitioners. Writ Petitioners, therefore, filed the present writ petition.



3.Learned counsel for the petitioners would mainly contend that subject lands can be reclassified by the competent authority for grant of patta.

Petitioners are in occupation for long years. Therefore, their possession is also to be considered for grant of patta.

4.Per contra, learned Additional Government Pleader relying on a written instruction given by the Tahsildar, Andhiyur Taluk would submit that out of an extent of 1.57.00 Hectares, a Panchayat Union Middle School is functioning in an extent of 0.34.50 Hectares, and remaining portion of the land is left for the future purpose of the school extension, when it would be upgraded and also for the infrastructure of the school to be made in future for the best facilities to the students. Further, if the Government plans to build any Government buildings, the remaining portion of the land would be utilised for the purpose of general public. Under those circumstances, the claim of the petitioners was rejected.

5.It is further contended by the respondents that amongst 18 encroachers, only Chinnammal and Pachayee have not obeyed the notices and not removed the encroachments.

6.This Court is of the considered view that subject land is kept vacant for expansion of Panchayat Union Middle School and for providing better facilities to the students studying in the school. That apart, further proposal is



also considered for construction of Government building. Under these circumstances, claim of the petitioners for grant of assignment is rejected, and High Court in exercise of the powers of judicial review under Article 226 of the Constitution of India cannot direct the Government authorities to grant free house site patta or assignment, in respect of encroachers.

7. In view of the facts and circumstances, reasons stated in the order impugned for rejecting the claim of the petitioners are in consonance with the legal principles and there is no infirmity in the order made in Na.Ka 352/2019A1, dated 21.10.2020 passed by the 3rd respondent. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
05-02-2026

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

To

1. The District Collector
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2. Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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