



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 1792 of 2023

and

CMP No. 15733 of 2023

Prabaharan
Assistant Divisional Engineer, Highways
Department, Pennagaram, Dharmapuri District

..Appellant(s)

Vs

1. State
Rep by the District Collector, Dharmapuri
District, Dharmapuri.
2. The Revenue Divisional Officer
Dhramapuri District,Dharmapuri.
3. The Tahsildar
Pennagaram Taluk, Dharmapuri.
4. The Assistant Divisional Engineer
Highways Department, Pennagaram,
Dharmapuri District.
5. Malarvizhi
District Collector, Dharmapuri District.
6. G.Ramaraj
S/o Late Govinda Gounder, Eriyur Village,
Sunjalnatham 636810, Pennagaram Taluk,
Dharmapuri District.

..Respondent(s)

**WA No. 1792 of 2023**

To set aside the Order, dated 13-09-2022 in W.P.No.30148 of 2018 passed by this Honble Court.

WA No. 1792 of 2023

For Appellant(s): Mr.G.Mutharasu

For Respondent(s): Mr.T.Arunkumar,
Addl.G.P. for r1 to R4
No apperance for R5
Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates
for R6

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 13.09.2018 passed in W.P.No.30148 of 2018.

2. The 6th respondent in the present writ appeal preferred the writ petition in W.P.No.30148 of 2018 seeking a direction to the official respondents to restore the petitioner's possession status quo ante in and over the house constructed in 2 cents bearing Natham S.No.407/1, Sujalnatham Village, Pennagaram Taluk, Dharmapuri District, covered under the HSD Patta No.2171/90 dated 24.08.1981 besides payment of compensation of Rs.50 Lakhs for the mischief committed by the respondents for violation of his right to life, shelter and livelihood, which were infringed on 18.05.2018 by considering his representation dated 16.07.2018. The writ Court passed an



order granting the relief as sought for by the writ petitioner and further directed the official respondents to pay a sum of Rs.5,00,000/- to the writ petitioner towards costs.

3. Learned counsel for the appellant would mainly contend that the subject land is classified as Government promboke and the 6th respondent Mr.G.Ramaraj has been identified as an encroacher. Enforcement actions were initiated and the Government lands were resumed. After resumption, the writ petition came to be filed seeking to restore the possession status quo ante. The writ Court has not considered the fact that the 6th respondent is an encroacher and the documents produced by him to establish his ownership are bogus documents.

4. Learned counsel for the 6th respondent would oppose by stating that the subject land is a natham land and an assignment was granted in favour of the 6th respondent. Based on the assignment, patta was granted and thus, the 6th respondent cannot be construed as an encroacher. The writ Court considered all these aspects and granted the relief. No show cause notice was issued before evicting the 6th respondent and for all these reasons, the writ petition came to be allowed.

5. The learned Additional Government Pleader would mainly contend that the subject lands are classified as Government promboke and no



assignment was granted in favour of the 6th respondent. The patta produced by the 6th respondent is a bogus document. Therefore, the writ Court has granted the relief without considering these ground raised by the State authorities.

6. In view of the said submission, this Court vide order dated 29.01.2026 directed the District Collector, Dharmapuri, to conduct an enquiry and ascertain whether the patta produced by the 6th respondent/writ petitioner is a genuine document.

7. In pursuance to the order of this Court, the District Collector, Dharmapuri, has commenced an enquiry through letter dated 07.02.2026. Notice was issued to all the parties and an enquiry was conducted by the District Collector by affording opportunity to all the parties. Revenue documents were produced by the concerned authorities. The District Collector elaborately conducted an enquiry and the enquiry report filed by the District Collector before this Court would show that the patta produced by the 6th respondent/writ petitioner is a bogus document. The relevant findings of the District Collector in his enquiry report are extracted hereunder.

6. I respectfully submit that the Photocopy of the alleged patta was scrutinized in par with the all of the revenue records available with the Revenue and the Highways department and the enquiry findings are as follows:



A. *The subject matter of the entire Facio revolves around Survey No.407 of the Sunjalnatham Revenue Village in the Eriyur Revenue Firka of the Pennagaram Taluk in the Dharmapuri District (herein after referred to as "the Subject lands").*

B. *The Subject Lands before the implementation of the UDR Scheme was classified in whole as "Re Survey No. 407 - Old Survey No. 48- Government Poramboke - Kerihalli Village Site" having a total extent of a 3 Acres 42 Cents*

C. *The Subject Lands after the implementation UDR Scheme 1979 to 1989 for the Dharmapurt District in the year 1983-87, was sub divided into Survey No. 407/1A, 407/1B and 407/2 and the same is as follows :*

<i>Re Survey No.</i>	<i>UDR New Survey No.</i>	<i>Extent</i>	<i>Classification</i>
<i>407</i>	<i>407/1A</i>	<i>0.05.0 Hectare or 12.35 Cents</i>	<i>Government Poramboke – Penangaram to Nagamarai Nilaviyal Asphalt Road</i>
<i>407</i>	<i>407/1B</i>	<i>1.33.0 Hectare or 3 Acres 29 cents</i>	<i>Government Poramboke – Eriyur Grama Natham</i>
<i>407</i>	<i>407/2</i>	<i>0.00.5 Hectare or 1.25 Cents</i>	<i>Government Poramboke – drinking water well</i>

(Classification of the Survey No. 407 during UDR scheme)

D. *I submit that the Natham Settlement scheme was implemented in the year 1991, for the first time the free house site Patta's were issued in the Subject Lands in the Survey No. 407/1B classified as "Government Poramboke – Eriyur Gramanatham" and 149 beneficiaries were issued patta to that effect in Survey No. 407/1B alone.*



E. *I submit that there was never a sub division in the Survey No. 407 into 407/1 during any of the above schemes. I submit that on careful scrutiny of the alleged patta submitted by the Respondent No. 6 herein, the alleged patta is given in respect of the Survey No. 407/1 to the extent of 0.02.0 Hectare or 4 Cents in the year 1981 which corresponds to none of the survey numbers existing in the revenue and highways records.*

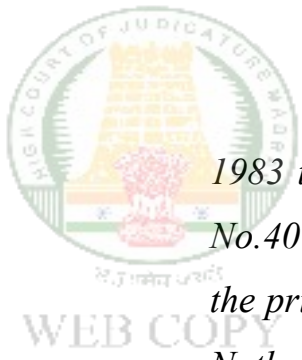
F. *I submit that it is highly pertinent to know that that during any of the revenue schemes, there exists no Survey No. 407/1 either in the revenue nor in the highways department records. As such no Tahsildhar can issue patta in respect of a nonexistent lands, which corresponds to the issue on hand.*

G. *I further submit that on further careful perusal of the alleged patta submitted by the Respondent No. 6, the alleged patta does not bear any of the file numbers or the proceedings number and government seal which are mandatory while issuing the free house site patta.*

H. *I further submit that submit that it is highly pertinent to note that free house site patta was issued in the Subject Lands only from the year 1991 during the Natham settlement scheme but the Respondent No. 6 posses the alleged patta of the year 1981 in respect of Survey No.407/1, even before the implementation of the UDR scheme, which is impossible as the Subject Lands were sub divided for the first time only in the year 1983.*

7. *I respectfully submit that in the year 2002 to 2003, the Highways Department with the aid of the Revenue Officials surveyed the Survey No. 407/1A and found several encroachments in it. I submit that the Respondent No. 6 Mr. Ramaraj, as he was in possession of a bogus patta for the undivided Survey No. 407/1 which is non existent, he was removed from the government lands after following the due process of law.*

8. *I respectfully submit that that the Survey No. 407 was sub divided into 407/1A, 407 /1B and 407/2 only in the years between*



1983 to 87. I further submit that after the sub division, the Survey No.407/ 1B was classified as “Eriyur Grama Natham” and patta _to the private individuals were issued only in the year 1991 during the Natham Settlement Scheme, till such time no patta was issued in the entire Survey No. 407.

9. I respectfully on perusal of the patta in the hands of the Petitioner, there exists no Revenue or registration documents in the entire district of Dharmapuri and Salem (before district bifurcation), to prove the onus of the Patta lying in the hands of the Respondent No. 6 herein. Therefore, it is presumed that the so called patta possessed by the Respondent No. 6, is bogus and there are no revenue records to prove the same.

8. The detailed enquiry conducted by the District Collector reflected in his report would reveal that the petitioner, by producing bogus patta made an attempt to squat upon the Government land and the grounds raised in this regard by the appellant as well as the State was not considered by the Writ Court.

9. Since an independent enquiry was ordered by this Court in order to ascertain the correct facts and the District Collector also complied with the order of this Court by conducting an enquiry and submitted a report, it would be sufficient to form an opinion that the 6th respondent/writ petitioner has not established any semblance of legal right to resume the subject land which is classified as “Government promboke”.



10. In view of the above facts and circumstances, the writ order impugned dated 13.09.2022 in W.P.No.30148 of 2018 is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
03-03-2026

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

To

1. The District Collector, Dharmapuri District, Dharmapuri.
2. The Revenue Divisional Officer Dharmapuri District, Dharmapuri.
3. The Tahsildar Pennagaram Taluk, Dharmapuri.
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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

VSI

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