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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 8002 of 2023

and

WMP Nos. 8238 & 8240 of 2023

1. N.Tamilarasi
2. K.Ramesh

..Petitioners

Vs

1. The Collector,
Chennai District,
Singaravelar Maligai,
Chennai 600 001.
2. The District Revenue Officer,
Chenani District,
Singaravelar Maligai,
Chennai 600 001.
3. The Revenue Divisional Officer,
Egmore Division,
Chennai 600 015.
4. The Tashildar,
Guindy Taluk,
Chennai 600 032.
5. Tamil Nadu Urban Habitat Development Board,
Rep. by Executive Engineer,
Division VII,
Chenani 600 018.

..Respondents



Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 1st respondent passed in his proceedings Aa No. J 14 / 6095 / 2017 dated 18.07.2022 thereby confirming the order passed by the 2nd Respondent passed in his proceeding No. O5 / 6095 / 2017 dated 18.06.2018 and quash the same.

For Petitioners: Mr. K.Bhasker

For Respondents: Mr.T.Arunkumar,
Addl. Govt. Pleader for R1 to R4

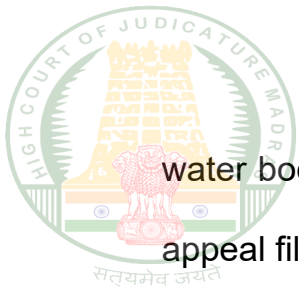
R5 – No appearance

Order

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

The proceedings of the District Collector, Chennai District dated 18.07.2022 declining the claim of the petitioners for grant of patta is under challenge in the present Writ proceedings.

2. The petitioners state that they are in possession of the Government land, wherein the right to occupy was granted to them in the year 1951. In view of the said letter dated 19.03.1951 the petitioners are in occupation of the land. Thus, they should not be dispossessed from the subject land. Since notice came to be issued by the Revenue Authorities, the petitioners defended their case and not succeeded before the original Authority. Hence, preferred an appeal before the District Collector, Chennai District, who in turn conducted elaborate enquiry by affording opportunity to the petitioners and the Revenue Authorities and held that the subject land is classified as “Government Poramboke” and there was a “Kulam” in the said land. Thus,



water body also been identified in a portion of the land and consequently, the appeal filed by the petitioners was rejected.

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3. The learned counsel for the petitioners would mainly contend that the petitioners hold the occupancy right and therefore, they must be permitted to continue in the said land. That apart, he claims that the land was originally classified as “Village Natham” and on that ground also they are entitled to be in possession of the subject property.

4. The learned Additional Government Pleader would oppose by stating that the land is classified as Government Poramboke land and there was a “Kulam” in the said land. The occupancy is not based on any assignment. The letter relied on by the petitioners is of no avail to them, since the said letter issued in the year 1951 itself would show that the occupancy right is subject to the conditions of assignment, that will be issued in due course. However, no assignment order has been issued in favour of the petitioners. In the absence of any assignment, the petitioners cannot claim any right to continue to be in occupation of the Government land, more specifically when a portion of the land is classified as “Kulam”.

5. In respect of the Government Natham lands, the Government is empowered to regulate the same in accordance with RSO-21. The encroachers of the Government Natham lands also shall be evicted by



invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905, which has been stipulated under the Revenue Standing Orders itself.

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6. May that as it be, this Court in exercise of Writ jurisdiction cannot declare the property right of a person. The petitioners have not been assigned with the Government land. It is only an occupancy right given and the petitioners have not produced any subsequent assignment order, if any, issued. The property now situate in Chennai city and identified as water body and Government Poramboke. The Counter affidavit filed by the Tahsildar would also show that the subject land is Government Poramboke land and there was a "Kulam". The relevant portion of the counter affidavit reads as under:-

Village	Kottur
Block No.	16
Town Survey No.	38
Old Survey No.	44/1
Classification	Government Poramboke
Extent	Hec. Ares – Sq.m
	00.07 - 68.00
Adangal	---
Use	Kulam

10. It is submitted that Tvl.L.Neelamohan and K.Ramesh filed a Writ Petition before this Hon'ble Court in W.P.No.201/2020 and this Hon'ble Court by its order dated 13.01.2020 directed the Collector of Chennai District to enquire and dispose the Review Petition filed by the petitioners and to pass appropriate orders in accordance with law. Accordingly, the Collector of Chennai enquired the matter on 27.06.2022 and 08.07.2022 on which dates, the petitioners appeared in



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person and produced a copy of the order passed by the Collector of Madras in R.Dis.15149/49 dated 19.03.1951 in which only Occupancy right was assigned. It is pertinent to submit that granting of occupancy right cannot be treated as Assignment of the land. On the basis of the enquiry and the documents produced by the petitioners, the following particulars were confirmed:

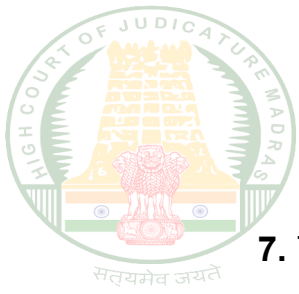
a) It is confirmed that the land on which the petitioners made claim is Government Poramboke land and there was a "Kulam" in the said land.

b) It is found that no Patta was granted to the petitioners or their ancestors at any point of time. Hence, it is confirmed that the said land in Town Survey No.38, Old Survey No.44/1, Block No.16, Kottur Village, is Government Poramboke land.

c) The petitioners have no valid documents to prove their title over the said property.

Considering all the above facts and circumstances, the District Collector, Chennai passed an order in his Proc.No.J14/6095/2017 dated 18.07/2022 in which the order passed by the District Revenue Officer, Chennai in Proc.No.O5/6095/2017 dated 18.06.2018 was confirmed and the Review Petition filed by the petitioners was rejected.

11. It is submitted that the encroachments made by the petitioners was partly evicted and Barbed wire fencing has been put up. It is submitted that through the petitioners encroached the Government Poramboke land that by itself will not confer any rights on the petitioners to claim patta on the Government Poramboke lands. The above Writ Petition is filed without any basis and the contentions raised by the petitioners have no merits and deserve no consideration.



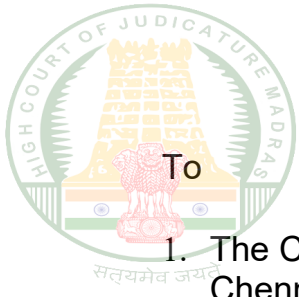
7. The Thasildar has stated that the possession has already been taken over by the Revenue Authorities. That being the factum, the petitioners are not entitled for any further relief. If at all the petitioners claim civil right in respect of the property, they are at liberty to approach the appropriate Civil Court.

8. With the above directions, this Writ Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.S.,J.)
06-04-2026

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

DSA



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WP No. 8002 of 2



**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

DSA

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