

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3719/2015 & MP.No.1/2015

S.Kalpana

..Petitioner

Versus

1.The District Collector
Coimbatore 641018.

2.The Tahsildar
Annur Taluk, Annur,
Coimbatore District.

3.The Revenue Inspector
Sarkar Samakulam,
Kovilpalayam, Sathy Road
Coimbatore District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to issue natham house patta to the petitioner house in Door No.9/98-1 in SF.No.26/2B2 measuring to an extent of 5 cents in Jeeva Nagar, Kaikolapalayam, Vellanaipatty village, Mayilapatti Post, Coimbatore District.

For Petitioner : Mr.Ma.Pa.Thangavel

For R1 to R3 : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.Ma.Pa.Thangavel, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to issue house site patta in respect of the land which is, as on date, a Government land. The petitioner's application for grant of patta has been forwarded to the Tahsildar to conduct a spot inspection. At that juncture, the 2nd respondent has

issued a notice dated 26.12.2014 under the provisions of the Tamil Nadu Land Encroachment Act, calling upon the petitioner to explain as to why he should not be evicted from the said land. The petitioner has submitted his reply on 23.01.2015 and the matter is pending.

3.Since already action has been initiated under the provisions of the Tamil Nadu Land Encroachment Act, the petitioner should first defend himself in the said proceedings and only if the authorities recognises the petitioner's possession, then and then alone, the petitioner would able to pursue his claim for grant of patta.

4.Hence, while declining to grant the relief sought for by the petitioner, there will be a direction to the 2nd respondent to conduct an enquiry into the matter, consider the petitioner's reply dated 23.01.2015 and after affording an opportunity of personal hearing to the petitioner, the 2nd respondent shall pass orders on merits and in accordance with law within a period of fifteen days from the date of receipt of a copy of this order. Till then, status quo prevailing as on date, shall be maintained.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

1.The District Collector
Coimbatore 641018.

2.The Tahsildar
Annur Taluk, Annur,
Coimbatore District.

3.The Revenue Inspector
Sarkar Samakulam,
Kovilpalayam, Sathy Road
Coimbatore District.

+ 1 cc to Government Pleader Sr.8063

WP.No.3719/2015

TEJ(CO)
Eu 17.02.2015