

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 11915 of 2016
and

W.M.P.No.10290 of 2016

S.Papathi

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Coimbatore- 641 018.

2. The Tahsildar,
Office of the Tahsildar,
Coimbatore North(Taluk),
Coimbatore - 641 018

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to grant patta to the petitioner, which is situated at S.F.No.1471/1 of Puliakulam Village, Coimbatore North Taluk, Coimbatore District.

For Petitioner : Mr.P.Saravanan

For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the first respondent to grant patta to the land of the petitioner, which situates at S.F.No.1471/1 of Puliakulam Village, Coimbatore North Taluk, Coimbatore District.

3. The petitioner belongs to schedule caste arunthathiyar community. The petitioner's father in law one Chinnan has paid kist in respect of S.F.No.1471/1 from 1965 to 1979 and thereafter, petitioner's husband has been paying tax from 1980 to till date. On 12.01.1980, petitioner's father in law has executed Will in favour of Sundaram, who is the husband of the petitioner. Thereafter, on 28.04.2010, petitioner's husband has executed Settlement Deed in favour of the petitioner vide Doc.No.2225 of 2010. In the mean time, S.F.No.1471/1 re-classified in S.F.1471/2 as natham and the same was assigned in favour of one Govindasamy. The petitioner has been living for more than 60 years in the said place. While so, to the shock and surprise, the second respondent now insisting the petitioner to vacate the said premises. Therefore, the petitioner has made a representation dated 20.02.2016 to the respondents. But, till date, no action has been taken on the same. Hence, she has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 20.02.2016 and pass an appropriate order, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. It is for the second respondent to decide the issue purely on merits.

6. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

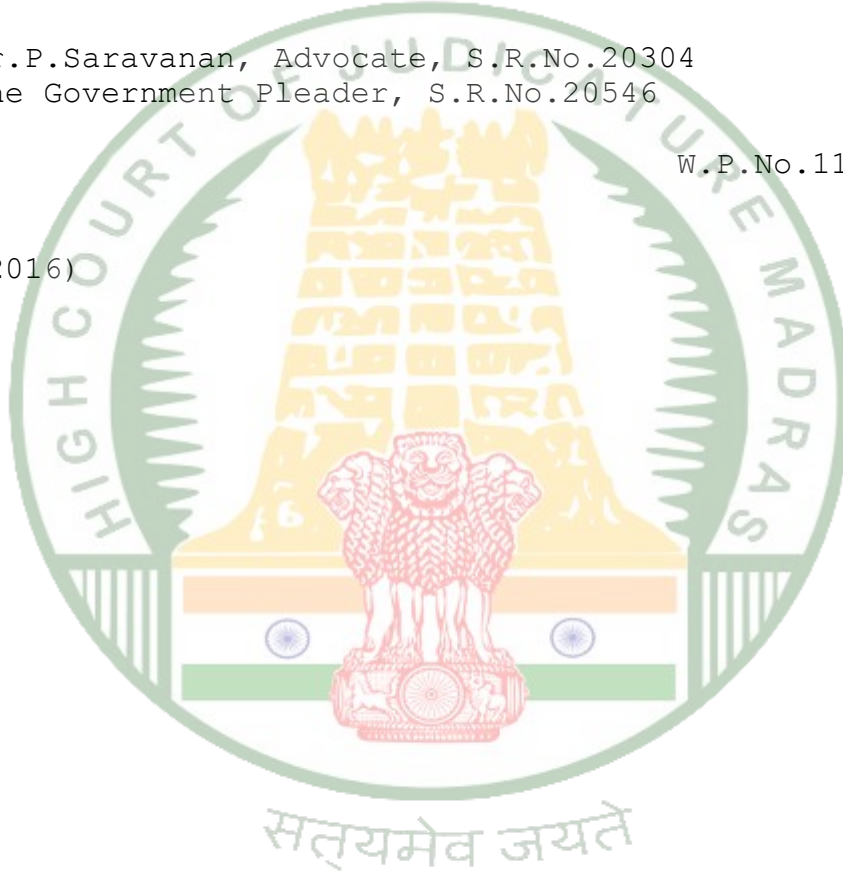
To

1. The District Collector,
Collectorate,
Coimbatore- 641 018.
2. The Tahsildar,
Office of the Tahsildar,
Coimbatore North(Taluk),
Coimbatore - 641 018

+1cc to Mr.P.Saravanan, Advocate, S.R.No.20304
+1cc to the Government Pleader, S.R.No.20546

W.P.No.11915 of 2016

KSJ(CO)
CA(27/04/2016)



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