

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.12340 of 2016
and W.M.P.No.10676 of 2016

Universal Heat Exchangers Ltd.,

Rep. By its General Manager,
K.Gopalakrishnan,
Pollachi Road,
Malumachampatti (P.O.),
Coimbatore - 641 050. Petitioner

Vs.

- 1.The Principal Secretary cum Land Commissioner,
Department of Land Administration,
Ezhilagam, Chennai - 600 005.
- 2.The Secretary to Government,
Department of Revenue,
Fort St. George,
Secretariat,
Chennai - 600 009.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Revenue Divisional Officer,
Coimbatore Collectorate,
Coimbatore.
- 5.The Tahsildar,
Coimbatore (South),
Madhukarai,
Coimbatore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the respondents 1 and 2 herein to pass final order forthwith in respect of the recommendation of the District Collector Na.Ka.16083/2010 A1 dated 22.12.2010, pending on the file of the Principal Secretary-cum-Land Commissioner, the 1st respondent herein, with a consequential direction to the respondents not to disturb possession and enjoyment of the

petitioner company from the lands in Ka.Sa.No.300/2B1 to the extent of 1.15 acres, and Ka.Sa.No.297/3 to the extent of 0.24 acre in Malumachampatti Village, Coimbatore District till the final order is passed in the recommendation of the District Collector Na.Ka.16083/2010 A1 dated 22.12.2010, pending on the file of the Principal Secretary-cum-Land Commissioner, the 1st respondent herein.

For Petitioner : Mr.C.V.Vijayakumar

For Respondents: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner in the affidavit filed in support of this petition would aver many other things that they purchased the lands in Ka.Sa.300/2B1 ad-measuring to an extent of 1.15 acres from one Mr.Velan and Mr.Krishnan by way of a registered sale deed dated 02.02.1975 and also put up factory and later on came to know that the lands sold to them are Government Poromboke lands and would also fairly concede that they had purchased the same without proper investigation of the title. The petitioner would further state that they had also purchased punjai lands ad-measuring to an extent of 0.75 acres in G.S.No.586/4 and another extent of 1.25 acres of punjai lands in Malumachampatti Village, Coimbatore District and they submitted a proposal to the fifth respondent requesting for exchange of lands i.e., 2 acres of lands purchased by them as stated above, in lieu of taking over the poromboke land in the above said survey numbers ad-measuring to an extent of 1.15 acres and 0.24 acres respectively and a positive direction has also been made by the District Collector vide proceedings in Na.Ka.No.16083/2010 A1 dated 22.12.2010. The apprehension expressed by the petitioner is that they reliably learnt that there is a proposal for granting patta in respect of the lands, in their possession, wherein they have put up the factory and they have employed nearly 250 workers and in that event, the business of the company, which is a running concern as well as the livelihood of 250 workers, would definitely be affected and therefore, came forward to file this writ petition.

3. This Court on 01.04.2016 ordered status quo and it has been extended once.

4. The learned counsel appearing for the petitioner would submit that in the light of the above said genuine apprehension, the petitioner is constrained to approach this

Court and prays for appropriate orders directing the first respondent to positively consider the recommendation made by the third respondent dated 22.12.2010.

5. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that though the petitioner has expressed his apprehension in paragraph No.8 of the affidavit filed in support of this petition, they have not submitted any representation and prays for dismissal of this writ petition.

6. This Court has considered the rival submissions and also perused the typed set of documents.

7. The petitioner expresses apprehension with regard to the grant of patta in their possession, in which they put up a factory and also running an industry, but they have not submitted any representation in that regard to the respondents 3 to 5.

8. This Court, taking into consideration the above facts and circumstances, permits the petitioner to submit representations to the respondents 3 to 5 with regard to the alleged grant of patta in respect of the lands in their possession and also submit one more representation to the respondents 1 and 2 with regard to the recommendations made by the third respondent dated 22.12.2010 for exchange of lands, within a period of two weeks from the date of receipt of a copy of this order and the concerned respondents, on receipt of the said representations, are directed to consider the same on merits and in accordance with law and pass orders within a further period of 12 weeks thereafter and till then, the possession of the petitioner by way of running an industry, in respect of lands ad-measuring to an extent of 1.15 acres in Malumachampatti Village, Coimbatore District, shall not be disturbed. It is also made clear that the petitioner, till the disposal of the said representations, shall not create any third party rights in respect of the said property in question.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Principal Secretary cum Land Commissioner,
Department of Land Administration,
Ezhilagam, Chennai - 600 005.

2.The Secretary to Government,
Department of Revenue,
Fort St. George, Secretariat,
Chennai - 600 009.

3.The District Collector,
Coimbatore District, Coimbatore.

4.The Revenue Divisional Officer,
Coimbatore Collectorate,
Coimbatore.

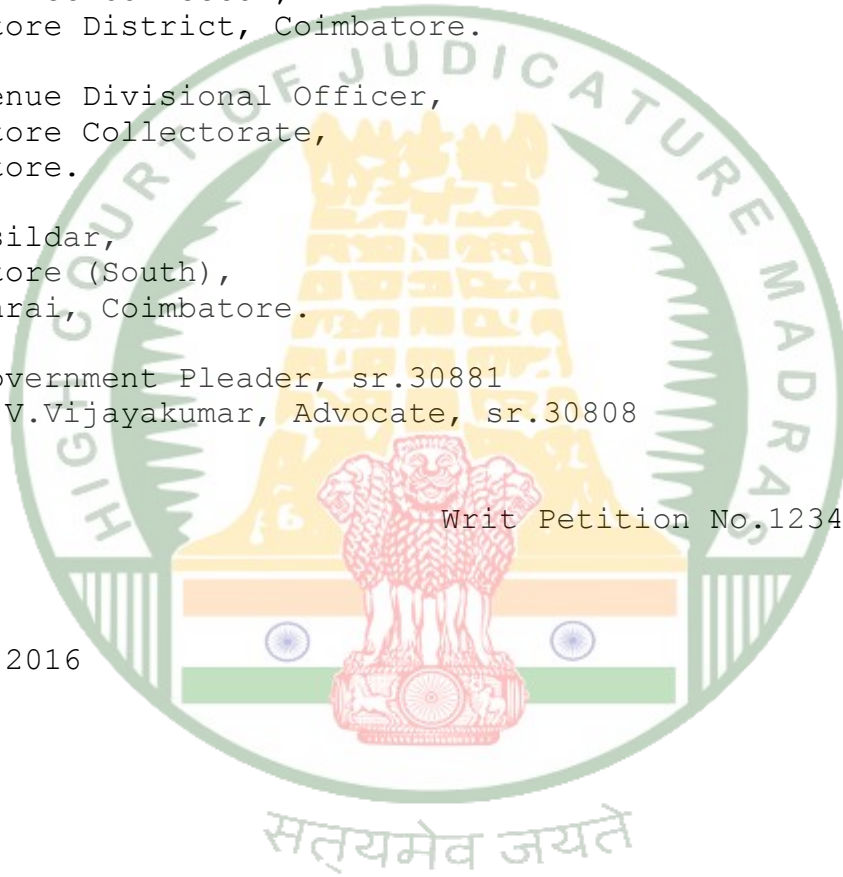
5.The Tahsildar,
Coimbatore (South),
Madhukarai, Coimbatore.

1 cc to Government Pleader, sr.30881

1 cc to C.V.Vijayakumar, Advocate, sr.30808

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