IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15794 of 2016

Presbyter ... Petitioner

vs.

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer/
Sub Collector,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Gobichettipalayam,
Erode District.

4.The District Revenue Officer,
Erode District, Erode. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to consider the granting of patta to the petitioner for SF 1344/2A, 1344/2C (004 cents) in the light of his own findings in K.Dis.8367/2009/A3 dated 24.12.2009 in respect of 8 cents of land in Old S.No.1117/1 and New S.No.1344/2A (0.00.47 hec.), 1344/2B (0.01.72 hec.), 1344/1C (0.01.10 hec.) thus totalling an extent of 8 cents situate in Nambiyur Village, Gobichettipalayam Taluk, Nambiyur Sub Registration District and Erode District purchased by the petitioner under the deed of indenture dated 14.4.1965 from the London Machinery Society in Doc. No.1175/1965 on the file of Joint Sub Registrar-II, Erode within a time frame that may be fixed by this Court.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider the granting of patta in respect of the land in SF 1344/2A, 1344/2C (004 cents) in the light of his own findings in K.Dis.8367/2009/A3 dated 24.12.2009 in respect of 8 cents of land in Old S.No.1117/1 and New S.No.1344/2A (0.00.47 hec.), 1344/2B (0.01.72 hec.), 1344/1C (0.01.10 hec.) thus totalling an extent of 8 cents situate in Nambiyur Village, Gobichettipalayam Taluk, Nambiyur Sub Registration District and Erode District purchased by him under the deed of indenture dated 14.4.1965 from the London Machinery Society in Doc. No.1175/1965 on the file of Joint Sub Registrar-II, Erode within a time frame that may be fixed by this Court.

3. It is the case of the petitioner that originally about 80 Christian families of Nambiyur Village were running a school in S.No.856/1 and it was used for worship during Sundays since there was no Church. The said land was given to the petitioner under the instrument of unregistered gift deed executed by his ancestor one Backianathan, son of Kuppan. Thereafter, the land measuring to an extent of 8 cents in Old Survey No.1117/1 which was classified as natham in Nambiyur Village, Gobichettipalaym Taluk, Erode District, was purchased by the petitioner under a deed of indenture dated 14.4.1965 vide document No.1175/1965 on the file of the Joint Sub Registrar-II, Erode from the London Machinery Society Corporation. Thereafter, the petitioner approached the authorities concerned seeking patta in his favour for several times. Finally, the second respondent called for a report from the third respondent and thereafter patta was granted only in respect of 4 cents. Hence, the petitioner is making repeated representations seeking patta for the remaining 4 cents. It is only a rectification of error that has to be carried out by the second respondent, since the second respondent himself has admitted the entitlement of the petitioner for getting patta in respect of entire 8 cents of land. In the meantime, certain mischievous individuals wanted to encroach the property. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a detailed representation to the third respondent, along with a copy of this order, seeking patta in respect of the remaining 4 cents of land, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representation and pass appropriate orders / take appropriate action, on merits and in accordance with law and in the light of the proceedings of the second respondent in K.Dis.8367/2009/A3 dated 24.12.2009, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

sbi

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer/
Sub Collector,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Gobichettipalayam,
Erode District.

4.The District Revenue Officer,
Erode District, Erode.

+ 1 cc to Govt.Pleader SR 26841

+ 1 cc to Mr.V.Chandrasekaran, Advocate SR 26715

rsy(co)
prk23/5 W.P.No.15794 of 2016

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/