

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. No.5618 of 2013

Santhi

... Petitioner

Vs.

1. The District Collector,  
Coimbatore District,  
Coimbatore - 18.

2. The Tahsildar,  
Coimbatore South,  
Coimbatore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue of Writ of Mandamus directing the respondents to handover the possession and patta of the land in Survey No.199, Upplipalayam Village, Coimbatore based on the petitioner's representation dated 05.11.2012 made to the 1<sup>st</sup> respondent.

For Petitioner : Mr.K.Thilageswaran

For Respondents: Mr.V.S.Ramesh  
Government Advocate

O R D E R

The petitioner seeks for a direction to the first respondent to hand over the possession and patta of the land in Survey No.199, Upplipalayam Village, Coimbatore, based on the petitioner's representation dated 05.11.2012.

2. Heard Mr.S.K.Thilageswaran, learned counsel for the petitioner and Mr.V.S.Ramesh, learned Government Advocate for respondents 1 & 2.

3. The learned counsel for the petitioner would submit that the petitioner has been in possession and enjoyment of a land to an extent of 33 cents in Survey No.199, Upplipalayam Village, Coimbatore district for the past 30 years and have been carrying on agricultural activities in the said land. According to the petitioner, the second respondent had forcibly evicted the petitioner on 20.03.1989 from the subject land, since the petitioner has been cultivating in the subject land for considerable period. She has made a representation to

the first respondent on 05.11.2012 seeking for re-possession of the land and for consequential issuance of patta. The respondents have not passed any orders to the said representation and therefore, she is before this Court.

4. Mr.V.S.Ramesh, learned Government Advocate appearing for respondents would submit that though the petitioner is not entitled to reclaim the lands, he would submit that if a specific direction is issued to consider the representation, the same will be complied with by the respondents.

5. In view of the limited prayer sought for, there shall be a direction to the second respondent to consider the petitioner's representation dated 05.11.2012 on its own merits and pass orders on merits in accordance with law within a period of eight weeks from the date of receipt of the copy of this order. I make it clear that this Court has not expressed any view with regard to the petitioner's of entitlement over the subject land.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-  
Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

vsi2

To

1. The District Collector,  
Coimbatore District,  
Coimbatore - 18.
2. The Tahsildar,  
Coimbatore South,  
Coimbatore.

1 cc to Mr.K. Thilageswaran, Advocate, Sr 64465  
1 cc to Government Pleader, Sr. 64387

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GJ (CO)  
kk 1/12