

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23001 of 2016
and
W.M.P.No.19732 of 2016

A.Annammal

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Coimbatore District.
- 2.The District Revenue Officer,
Collector Office, Coimbatore - 641 018.
- 3.The Thasildar,
Coimbatore (North)
Coimbatore District.
- 4.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.
- 5.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the respondents not to interfere with the petitioner possession and enjoyment of the property namely house site T.S.No.1289/6PT, Natham Promboke Land, No.748/1245, Sathyamangalam Road, Coimbatore South, Tatabad, Coimbatore District and further directing the respondents to issue the patta to the petitioner.

For Petitioner : Mr.S.Ramajayam
For Respondents : Mr.R.A.S.Senthilvel,
Addl. Government Pleader [R1 to R4]
Mr.S.Saravanan [R5]

O R D E R

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

2. The petitioner would state she encroached upon a portion of the land belonging to the Government and put up a super structure and was residing for the past 60 years and also paid statutory levies between 07.05.1965 and 06.06.1973 and continue to pay till date. The petitioner and other persons who are similarly placed, had approached the concerned authorities for grant of patta and showing discrimination, one Kannan has been issued with patta and whereas, the request of the petitioner and other persons, similarly placed, has been rejected vide order dated 02.03.2016. The grievance expressed by the petitioner is that without putting the petitioner on notice and without granting her time, the official respondents dispossessed the petitioner and demolished the entire super structure and therefore, she is in street and in this regard she has also filed an appeal to the respondents 1 and 2 as well as to the Government and since no action has been taken, came forward to file this writ petition.

3. Heard the submission of the learned counsel appearing for the petitioner, who would submit that the petitioner is poor and downtrodden and without putting her on notice, super structure in her occupation has been damaged and prays for sympathetic consideration and appropriate orders.

4. Mr.R.A.S.Senthilvel, the learned counsel Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 would submit that the request made by the petitioner for grant of patta has been rejected and therefore only, she has been dispossessed after following due process of law.

5. Mr.S.Saravanan, the learned counsel, who accepts notice on behalf of the 5th respondent would submit that since it is a Government land, the 5th respondent has nothing to do with the alleged eviction of the petitioner.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. The petitioner has filed an appeal to the respondents 1 and 2 as well as to the Government challenging the order rejecting patta and also the acts of the third respondent in dispossessing the petitioner.

8. In the light of the facts and circumstances, the first respondent is directed to forward the appeal submitted by the petitioner to the jurisdictional Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order and the jurisdictional Revenue Divisional Officer, on receipt of the appeal, shall entertain the same, if the papers are otherwise in order and after granting an opportunity of hearing to the petitioner or to her authorized representatives shall consider and dispose of the appeal on merits and in accordance with law within a further period of four weeks thereafter and communicate

the decision taken, to the petitioner.

The 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 District Collector,
District Collector Office,
Coimbatore District.
- 2.The District Revenue Officer,
Collector Office, Coimbatore - 641 018.
- 3.The Thasildar,
Coimbatore (North)
Coimbatore District.
- 4.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.
- 5.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore District.
- 6.The Revenue Divisional Officer,
Collectorate Building, Coimbatore.

- 1 cc to Mr.S.Ramajayam, Advocate Sr.37249
1 cc to Mr.S.Saravanan, Advocate Sr.37389
1 cc to Government Pleader, Sr.37672

Writ Petition No.23001 of 2016

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