

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.43071 to 43114 of 2016

M. Balasubramaniam	..Petitioner in W.P.No.43071/2016
M. Palaniammal	..Petitioner in W.P.No.43072/2016
V. Kasthuri	..Petitioner in W.P.No.43073/2016
M. Rajamani	..Petitioner in W.P.No.43074/2016
R. Muthusamy	..Petitioner in W.P.No.43075/2016
S. Kalamani	..Petitioner in W.P.No.43076/2016
S. Palanisamy	..Petitioner in W.P.No.43077/2016
N. Karthikeyan	..Petitioner in W.P.No.43078/2016
R. Chandrasekaran	..Petitioner in W.P.No.43079/2016
M.Narayanasamy @ M.Narayanan	..Petitioner in W.P.No.43080/2016
S. Natarajan	..Petitioner in W.P.No.43081/2016
K. Saradha Kumar	..Petitioner in W.P.No.43082/2016
R. Selvi	..Petitioner in W.P.No.43083/2016
M. Revathi	..Petitioner in W.P.No.43084/2016
K. Rajendran	..Petitioner in W.P.No.43085/2016
K. Rajendran	..Petitioner in W.P.No.43086/2016
Vijayalakshmi	..Petitioner in W.P.No.43087/2016
A. Eswari	..Petitioner in W.P.No.43088/2016
P. Senthilkumar	..Petitioner in W.P.No.43089/2016
R. Lakshmi	..Petitioner in W.P.No.43090/2016
K. Sivasamy	..Petitioner in W.P.No.43091/2016
M. Lakshmi	..Petitioner in W.P.No.43092/2016
V.P. Rajan	..Petitioner in W.P.No.43093/2016
V. Saravanan	..Petitioner in W.P.No.43094/2016
R. Lakshmi	..Petitioner in W.P.No.43095/2016
S. Lalitha	..Petitioner in W.P.No.43096/2016
S. Thulasiammal	..Petitioner in W.P.No.43097/2016
C. Anandan	..Petitioner in W.P.No.43098/2016
A. Ramadoss	..Petitioner in W.P.No.43099/2016
V. Divakaran	..Petitioner in W.P.No.43100/2016
B. Thangamani	..Petitioner in W.P.No.43101/2016
S.R.Palanisamy	..Petitioner in W.P.No.43102/2016
A. Shanmugam	..Petitioner in W.P.No.43103/2016
Chendran Shanmugam	..Petitioner in W.P.No.43104/2016
Chendran Shenmugam	..Petitioner in W.P.No.43105/2016
A. Shanmugam	..Petitioner in W.P.No.43106/2016
A. Shanmugam	..Petitioner in W.P.No.43107/2016
Savithiri	..Petitioner in W.P.No.43108/2016
T. Karthikeyan	..Petitioner in W.P.No.43109/2016
V. Mangaiyarkarasi	..Petitioner in W.P.No.43110/2016
N. Ramamurthy	..Petitioner in W.P.No.43111/2016
S. Selladurai	..Petitioner in W.P.No.43112/2016
R. Selvi	..Petitioner in W.P.No.43113/2016
C. Selvan	..Petitioner in W.P.No.43114/2016

vs.

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

2.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District.

.. Respondents

Prayer in W.P.No.43071 of 2016 to 43114 of 2016: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's application dated 22.04.2016 to grant patta in respect of his approved house Site No.17, 50, 12, 15, 42, 32, 47, 12, 11, 28, 27, 29, 45, 40, 41, 52, 39, 14-A, 36, 6(pt), 53, 2, 3, 48, 37(pt) 38, 26, 43, 51, 13, 23, 35, 9, 2, 19, 24, 7, 1, 53, 3, 44/B, 20, 32A, 45, 25 measuring 2400 Sq.ft., 3435 Sq.ft., 1200 Sq.ft., 2400 Sq.ft., 2380 Sq.ft., 1517 Sq.ft., 2380 Sq.ft., 1200 Sq.ft., 2400 Sq.ft., 2400 Sq.ft., 2400 Sq.ft., 3450 Sq.ft., 2410 Sq.ft., 2380 Sq.ft., 2360 Sq.ft., 1913 Sf.ft., 2385 Sq.ft., 1188 Sq.ft., 2415 Sq.ft., 2400 Sq.ft., 1988 Sq.ft., 2478 Sq.ft., 872 Sq.ft.,

2303 Sq.ft., 2626 Sq.ft., 800 Sq.ft. 2388 Sq.ft., 2888 Sq.ft., 2400 Sq.ft., 2400 Sq.ft., 2400 Sq.ft., 4717 Sq.ft., 3315 Sq.ft., 2123 Sq.ft., 2400 Sq.ft., 2400 Sq.ft., 2850 Sq.ft., 1804 Sq.ft., 1331 1/2 Sq.ft., 1230 Sq.ft., 2280 Sq.ft., 1520 Sq.ft., 2410 Sq.ft., 2388 Sq.ft., bearing in S.F.No.160/3B, 160/3A, 160/3B, 160/3B, 160/3B, 160/3C, 160/3A & 3B, 160/3A & 3B, 160/3A & 3B, 160/3B & 3C, 160/3B & 3C, 160/3B & 3C, 160/3B, 160/3C, 160/3, 160/3A, 160/3C, 160/3B, 160/3C, 160/3A, 160/3A, 160/3A 160/3A, 160/3A, 160/3A, 160/3B, 160/3B, 160/3A, 160/3A & 3B, 160/3B, 160/3C, 160/3A, 160/3A, 160/3B, 160/3B, 160/3B, 160/3A, 160/3A, 160/3A, 160/3A, 160/3A, 160/3B, 160/3B, 160/3C, 160/3B, 160/3B located in Shahjahan Avenue, Saravanampatti Village, Coimbatore North Taluk, Coimbatore District.

For Petitioner : Mr.N.Manokaran
in all W.Ps.

For Respondents : Mr.A.Kumar,
in all W.Ps. Special Government Pleader

C O M M O N O R D E R

By consent, these Writ Petitions are taken up for final disposal.

2. The petitioners claim to be the owners of house sites and it was also approved by the Deputy Director of Town and Country Planning, Coimbatore, Periyar and The Nilgiris in LP/R (CPN) No.69/1986 and named as "Shajahan Avenue". The petitioners would further state that the subject matter of the lands comprised in S.F.Nos.160/3A, 160/3B and 160/3C were given to Tvl.Karuppan, Kali and Nanjan respectively through Assignment Patta dated 25.06.1927 and the Assignees approached the Sub Collector, Coimbatore seeking permission to sell their lands, who, after calling for report from the second respondent, had passed an order dated 04.06.1987 in Oo.Mu.11765/86/A1 expressing No Objection to sell the lands for the reason that the said request was made after 30 years from the date of the Assignment.

3. Thiru.Karuppan had executed a Settlement Deed dated 29.11.1985 (Doc.No.5516/1985) in the name of his son K.Natarajan in respect of his 50 cents bearing S.F.No.160/3A. Thiru.Kali died leaving behind his four daughters and there were partition among the family members and the legal heirs have also executed different Sale Deeds and thereafter, the land was promoted and plotted as house sites, pursuant to the order passed by the Deputy Director of Town and Country Planning, Coimbatore. The petitioners by spending their lifetime savings, have put up superstructures. The grievance expressed by the petitioners is that they have not been issued with patta so far and in this regard, they have sent applications/representations dated 22.04.2016, 27.05.2016, 23.11.2016 and 24.11.2016 respectively to the second respondent and though the said representations were received and acknowledged, no orders have been passed and hence, they have come forward with these writ petitions.

4. Mr.N.Manokaran, learned counsel appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that No Objection was given by the Sub-Collector Coimbatore, for selling the lands and only thereafter, the lands were plotted out and the petitioners, after purchasing the same, have put up superstructures and hence, there cannot be any impediment on the part of the second respondent to grant patta.

5. Mr.A.Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents would contend that the Sub-Collector, Coimbatore has no jurisdiction to give No Objection for selling the lands and the applications/representations of the petitioners may be directed to considered in accordance with law.

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

7. This Court, taking into consideration the limited scope of prayer and without going into the merits of the claim projected by the petitioners either in the applications or in these writ petitions, directs the first respondent to consider the applications submitted by the petitioners' dated 22.04.2016, 27.05.2016, 23.11.2016 and 24.11.2016 respectively, after putting on notice the persons concerned and thereafter, pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the persons concerned.

8. These Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jvm

To

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

2.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District.

+ 44ccs M/s. N.Manokaran, Advocate Sr.72797 to 72840

+ 1 cc to the Government Pleader Sr.73004 to 73046

W.P.Nos.43071 to 43114 of 2016

AD(CO)

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