

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.11.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A Nos.336 to 339 of 2015

A.Saradhambal ...Appellant/Petitioner
in W.A.No.336/2015
K.Balasubramaniam ...Appellant in W.A.No.337/2015
B.Mohanasundaram ...Appellant in W.A.No.338/2015
A.Rathinasamy ...Appellant in W.A.No.339/2015

Vs

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Revenue Divisional Officer,
Tiruppur.
- 3.The Tahsildar,
Avinashi Taluk,
Tiruppur District. ...Respondents in all Writ Appeals

Common Prayer:- Writ Appeals filed under Clause 15 of Letters Patent, against the common order made in W.P.No.967, 1421, 1422 and 1423 of 2012 respectively dated 19.04.2012.

Common Prayer in WP.No.967 of 2012 to 369/2012:

These petitions file under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to issue natham patta to the petitioner for the house site at natham Survey Nos. 355/9 and 355/18, 355/8, 355/3,4,6,7 and 355/5,6,10,20 respectively at Kasigoundenpudhur Velayuthampalayam Village Avinashi Taluk Tiruppur District to an extent of 770 sq.ft. and 376.6 Sq.ft. by considering the petitioner representation dt 4.7.2011

For Appellants : Mr.Ma.P.Thangavel
in all appeals

For Respondents : Ms.A.Srijayanthi
Special Govt.Pleader

C O M M O N J U D G M E N T

K.K. SASIDHARAN, J.

The appellants submitted individual applications before the District Collector for the grant of patta. The Tahsildar, Avinashi, forwarded their recommendation to the Revenue

Divisional Officer, Tiruppur. Thereafter, proceedings were not taken by the District Collector. The appellants therefore filed writ petitions before the writ court. The learned single Judge dismissed the writ petitions on the ground that instead of approaching the original authority, the appellants submitted applications before the Appellate Authority. Feeling aggrieved, the appellants have come up with these intra court appeals.

2. The learned counsel for the appellants by placing reliance on the proceedings dated 1 December 2009 on the file of the Tahsildar, Avinashi, submitted that the Tahsildar after conducting enquiry recommended the case of the appellants for the grant of Patta. The learned single Judge was therefore not correct in dismissing the writ petitions on the ground that there was no application before the original authority and it was made only to the Appellate Authority.

3. The learned Special Government Pleader submitted that the appropriate authority for considering the application for Natham Patta is only the District Collector.

4. The appellants submitted applications before the District Collector, Tiruppur for issuance of Natham Patta in SF No.355/18, 355/9 (W.A.No.336/2015), SF No.355/8 (W.A.No.337/2015), SF Nos.355/4, 355/3,6 & 7 (W.A.No.338/2015) and SF Nos.355/5 & 6, 355/10, 355/20 (W.A.No.339/2015). It appears that a report was called for from the Tahsildar, Avinashi pursuant to the applications. The Tahsildar, by proceedings dated 1 December, 2009 recommended the case of the appellants for issuance of patta.

5. The writ court dismissed the writ petitions filed by the appellants primarily on the ground that it would not be possible to direct the Appellate Authority to consider the applications instead of there being a prayer for consideration of the matter by the original authority. Since the District Collector is the competent authority to consider the application for grant of Natham Patta, the learned single Judge was not correct in the finding that the appellants approached only the Appellate Authority. We are therefore of the view that the matter requires consideration by the District Collector, Tiruppur.

6. In the result, the common order dated 19.04.2012 in W.P.Nos.967, 1421, 1422 and 1423 of 2012 is set aside. We direct the District Collector, Tiruppur to consider the applications submitted by the appellants for Natham Patta in SF Nos.355/18, 355/9 (W.A.No.336/2015), SF No.355/8 (W.A.No.337/2015), SF Nos.355/4, 355/3,6 & 7 (W.A.No.338/2015) and SF Nos.355/5 & 6, 355/10, 355/20 (W.A.No.339/2015) on merits and as per law. It is open to the District Collector to conduct enquiry in the matter in accordance with law before deciding the application on merits. Such exercise shall be

completed within a period of six months from the date of receipt of a copy of this judgment.

7. The intra court appeals are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Revenue Divisional Officer,
Tiruppur.

3.The Tahsildar,
Avinashi Taluk,
Tiruppur District.

+1cc to Mr.Ma.P.Thangavel, Advocate Sr.No.79725

+1cc to Government Pleader Sr.No.80115

W.A Nos.336 to 339 of 2015

RV(CO)
SM:29.11.2017

सत्यमेव जयते

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