

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.02.2017
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.3963 of 2017

1. C.M.Gopaldurai
2. C.V.Ranganathan
3. G.Saminathan
4. M.Jayaprakash

...Petitioners

Versus

1. The District Revenue Officer,
Coimbatore, Coimbatore District.
2. The Revenue Divisional Officer,
Pollachi, Coimbatore District.
3. The Tahsildar,
Pollachi Taluk, Pollachi,
Coimbatore District.

.. Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to directing the 1st respondent to pass final order in pursuant to his proceedings Na.Ka.15065/2015/B2, dated Nil.11.2016 signed on 20.12.2016 by reclassifying the S.No.1293, Odayakulam village, Chinnappampalayam Post, Pollachi Taluk, Coimbatore District as patta land.

For Petitioner : MR.C.Prakasam
For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

The petitioner has filed this Writ Petition praying to direct the 1st respondent to pass final order in pursuant to the proceedings Na.Ka.15065/2015/B2, dated Nil.11.2016 signed on 20.12.2016 by reclassifying the S.No.1293, Odayakulam village, Chinnappampalayam Post, Pollachi Taluk, Coimbatore District as patta land.

2. According to the petitioner, the petitioners' ancestors have purchased the house sites situated in S.No.390/1, Chinnappampalayam - Odayakulam Village, Pollachi Taluk,

Coimbatore District, which was originally classified as Natham. Subsequently, under the UDR Scheme, the petitioners' house sites were sub divided and assigned S.Nos.1324/2, 1324/1 and 1324/4 and a portion of land situated in front of the petitioners' doors was given a separate survey number as 1293 and reclassified as Natham lane. The said land is used by the petitioners as their access to reach their respective houses, which is exclusively belongs to the petitioners. In UDR scheme, the front portion was reclassified as natham lane and given separate survey numbers as 1293, the public made attempt to use the same as a public pathway, which cause so much inconvenience to the petitioners. Hence, the petitioners made representation before the respondents 2 & 3, on 31.10.2012. After receipt of the said representation, the 2nd respondent by his proceedings No.Na.Ka.2375/2012/B-1, dated 10.11.2012, had directed the 3rd respondent to submit report, but no orders has been passed by the respondents.

3. In the said circumstances, the petitioners approached this Court and filed a Petition in W.P.No.4988 of 2013, and this Court by order dated 27.03.2013 has directed the 3rd respondent to consider the petitioners' representation dated 31.10.2012, forwarded by the 2nd respondent on 10.11.2012 and dispose the same within a period of eight weeks. Accordingly, the 3rd respondent has conducted enquiry and the petitioners produced the entire documents before him, but the 3rd respondent directed them to prove the same before the Court and get orders from the Court. Hence, the petitioners again approached the 1st respondent / District Collector, Coimbatore, for issuance of patta for the said land in S.No.1293. The 1st respondent in his proceedings in Na.Ka.15065/2015/B2, dated Nil.11.2016 signed on 20.12.2016, seeking clarification from the 2nd respondent. But till date the second respondent has not sent his report to the 1st respondent, for issuing necessary orders. Therefore, the petitioner has filed this Writ Petition before this Court with the aforesaid prayer.

4. The learned counsel appearing for the petitioner has submitted that the second respondent has not submitted his report as directed by the District Collector in his proceedings in Na.Ka.15065/2015/B2, dated Nil.11.2016 signed on 20.12.2016. Hence, the learned counsel for the petitioner has submitted that it is suffice to direct the 2nd respondent to submit his report to the first respondent, within the time to be fixed by this Court.

5. The learned Government Advocate has submitted that the 2nd respondent will submit his report, within the time frame, that may be fixed by this Court.

6. In view of the above said submission of the learned

counsel for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the 2nd respondent / the Revenue Divisional Officer, to submit his report, as per the proceedings of the 1st respondent in Na.Ka.15065/2015/B2, dated Nil.11.2016 signed on 20.12.2016, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs

To

1. The District Revenue Officer,
Coimbatore, Coimbatore District.
2. The Revenue Divisional Officer,
Pollachi, Coimbatore District.
3. The Tahsildar,
Pollachi Taluk, Pollachi,
Coimbatore District.

+1 cc to Mr.C.Prakasam Advocate sr 10446
+1 cc to the Government Pleader sr 10579

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