

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17709 of 2005
and
W.P.M.P.No.30 of 2015

K.Jeganathan

..Petitioner

vs

1.The District Collector,
Coimbatore.

2.The Tahsildar,
Coimbatore North

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent in proceedings Na.Ka.7720/2005.A6 and dated 29.04.2005 and quash the same as illegal, arbitrary and unsustainable in law.

For Petitioner : Mr.S.Mukunth
for M/s.Sarvabhauman Associates

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader

O R D E R

The Notice dated 29.04.2005 issued by the Tahsildar, Coimbatore North, directing the writ petitioner to vacate the land, which was classified as Grama Natham i.e., Natham Poramboke and Tar Salai i.e., Tar Road is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the land in question was assigned by the Special Tahsildar, Coimbatore in favour of the writ petitioner. Thus, the writ petitioner is the owner of the land and therefore, the notice is untenable.

3.It is contended that the writ petitioner has purchased the said land from the original assignee and therefore, the writ

petitioner became the owner of the property. The property is sought to be taken away for the purpose of expansion of Road by the National Highways Department. Under these circumstances, the writ petitioner is constrained to move the present writ petition.

4.The learned Additional Government Pleader appearing on behalf of the respondents opposed the contentions by stating that the lands in S.F.No.155/1, measuring a total extent of 23.21.5 in Kalapatti Village of Coimbatore North Taluk of Coimbatore District stands classified as Grama Natham i.e., Natham Poramboke and Tar Salai i.e., Tar Road. During the year 1966, an extent of 0.02 cents in the above S.F.No.155/1 has been assigned to one Thanthoni Gounder of Kalapatti Village by the Special Tahsildar(Regularisation of Encroachment), Coimbatore for residential purposes. Subsequently, without the knowledge of the officials, the property was purchased by the father of the writ petitioner and after his demise, the writ petitioner inherited the property. The petitioner's land and other adjacent piece of lands abutting the Vellanaipatti road were required by the National Highways Department for expansion of Road. On the request of the National Highways Department, notice was issued to the writ petitioner in proceedings dated 29.04.2005. Thus, the writ petitioner has no right to claim the said portion of the land, which is acquired as Natham Poramboke i.e., Thar Road.

5.This Court is of an opinion that if at all, the writ petitioner claims that it is a patta land and he is the absolute owner of the land, it is left open to him to approach the competent Civil Court of law for the purpose of establishing his title. However, the 2nd respondent filed a counter statement by stating that the land in question is classified as Grama Natham i.e., Natham Poramboke and Tar Salai i.e., Tar Road.

6.This being the classification now brought to the notice of this Court, the writ petitioner cannot have any right in respect of the land. This apart, the writ petitioner is not the original assignee. The original assignee sold the property to the father of the writ petitioner and subsequently, the writ petitioner inherited the property. When the property belongs to the Government was assigned, it is to be verified whether the assignment conditions were followed by the assignee or not. Under these circumstances, this Court is of an opinion that the impugned notice is in accord with law and there is no infirmity as such. This apart, the land is sought to be taken away for the purpose of expansion of National Highways, which is of paramount importance.

7.This being the factum of the case, this Court is not inclined to interfere with the notice issued to the writ petitioner for the purpose of expansion of National Highways in

that particular locality and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore.

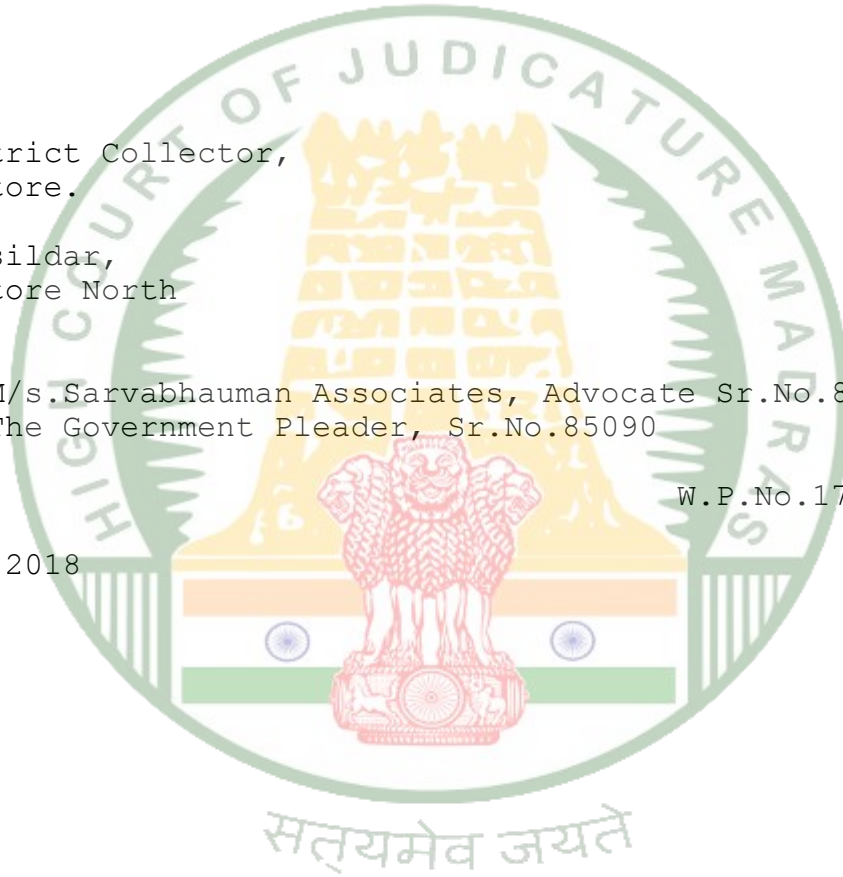
2.The Tahsildar,
Coimbatore North

+1 cc to M/s.Sarvabhauman Associates, Advocate Sr.No.83963

+1 cc to The Government Pleader, Sr.No.85090

W.P.No.17709 of 2005

RSV(CO)
CSL/26.12.2018



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