

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.6232 of 2006

& W.P.M.P.No.6718 of 2006

V.Mani

...Petitioner

Vs

1.The Special Commissioner & Commissioner (L.A.)  
Chepauk, Chennai.

2. The District Collector,  
Coimbatore.

3. Commissioner,  
Vadvalli Panchayat,  
Vadavalli, Coimbatore.

4.Ravindran

5. The Tahsildar,  
Perur Taluk, Coimbatore District.

....Respondents

[R5 impleaded as per the order of this Court dated 04.01.2018  
in WMP.No.35765 of 2017 in W.P.No.6232 of 2006]

PRAYER: Writ petition filed under Article 226 of the  
Constitution of India praying for issuance of Writ of Mandamus  
to direct the 2nd respondent to cancel the Patta No.1058 in  
S.F.No.895/24 admeasuring an extent of 20.5 cents in Ward No.8,  
Kondaswamy Mudaliar Street in Vadavalli Village, Coimbatore.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents: Mr.N.Inbanathan, AGP (for RR1, 2 & 5)  
Mr.K.Magesh (for R3)  
No appearance (for R4)

## ORDER

The petitioner has preferred this writ petition seeking for issuance of a Writ of Mandamus to direct the 2nd respondent to cancel the Patta No.1058 in S.F.No.895/24 measuring an extent of 20.5 cents in Ward No.8, Kondaswamy Mudaliar Street in Vadavalli Village, Coimbatore.

2. The case of the petitioner is that the 4th respondent owns more than 15 acres of land, approximately worth Rs.20,00,000/-. The land in Natham Poramboke can be assigned to landless persons to an extent of 3 cents, but the 4th respondent has now been issued with patta to an extent of 20.5 cents.

3. The 5th respondent-Tahsildar has filed a counter affidavit stating that the 4th respondent was in occupation of the land classified as Natham and after verification, the Special Tahsildar, Settlement Scheme issued patta in favour of the 4th respondent to an extent of 418 sq.mts. in the year 1996.

4. It is further stated that against the order of the Special Tahsildar, the petitioner has to prefer an appeal before the Assistant Settlement Officer, within a period of 30 days, but instead of this, the present writ petition is filed, after a lapse of ten years, without availing alternative remedy.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1, 2 and 5 and the learned counsel for the 3rd respondent. Despite service of notice and the name of the 4th respondent printed in the cause list, none appeared for him.

6. It is not in dispute that in the year 1996, the Special Tahsildar (Natham Settlement Scheme) issued patta in favour of the 4th respondent to an extent of 418, sq.mts. As per the G.O. (Ms) No.808, Revenue (L.S.201) Department, dated 05.10.1998, the Special Tahsildar is empowered to grant patta for an extent up to 35 cents. It is also not in dispute that the order of the Special Tahsildar is an appealable.

7. In the light of the above facts, I do not find any merit in this writ petition. Hence, this writ petition is dismissed, with liberty to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs

To

- 1.The Special Commissioner & Commissioner (L.A.)  
Chepauk, Chennai.
2. The District Collector,  
Coimbatore.
3. Commissioner,  
Vadvalli Panchayat,  
Vadavalli, Coimbatore.
4. The Tahsildar,  
Perur Taluk, Coimbatore District.

+1 CC to Mr.P.R.Balasubramanian Advocate Sr.No.10371

+1 CC to Mr.K.Magesh, Advocate Sr.No.9853

+1 CC to Government Pleader, High Court, Chennai Sr.No.10637

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KP(27/02/2018)