

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM :

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.24915 of 2014

and

M.P.No.1 of 2014

V.Krishnan Kutty

... Petitioner

Vs

1. The Tahsildhar,
Coimbatore South Tahsildar Office,
Hosur Road, Coimbatore -641 018.

2. The District Collector,
Coimbatore - 641 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to issue patta in favour of the petitioner in respect of the piece of land situated in S.F.No.465/1A, Kurichi Village, Pothanur, Coimbatore.

For Petitioner : M/s. S/Seshachalam
for Mr.C.Deivasigamani

For Respondents : Mrs.S.T.Jayanthi
Spl. Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to directing the 1st respondent to issue patta in favour of the writ petitioner in respect of the piece of land situated in S.F.No.465/1A, Kurichi Village, Pothanur, Coimbatore.

2. The grievances of the writ petitioner is that, he is an ex-serviceman and retired railway employee. He purchased the piece of land from one Rukmani wife of Raman Kutty Nair, No.9, Pechiamman Koil Street, Pothanoor, Coimbatore as per the document No.4121 dated 22.08.1984. The grievances of the writ petitioner is that he made an obligation seeking patta in respect of the land owned by him. However, the Tahsildar has not considered the same. Thus, the writ petitioner constrained to move the present writ petition.

3. The patta is to be granted by following the procedures contemplated under the Tamil Nadu Patta Pass Book Act, 1983. Section 3 of the Patta Pass Book Act stipulates that the owner is entitled for grant of patta by the Revenue officials if the applicant establishes that he is the owner of the land. Thus, the patta can be issued under the provisions of the Act provided if the person is the owner of the property.

4. The Learned Special Government Pleader appearing on behalf of the respondent by referring the informations provided by the Tahsildar to the Special Officer, CM Cell in proceeding dated 10.03.2005 which is enclosed in page No.22 of the type set of papers states that the land in question is classified as "Natham Puramboke" and therefore patta cannot be issued. This Court is of an opinion that the Tahsildar has to verify the revenue records in this regard and accordingly take a decision. If the land belongs to the Government, and classified as "Natham Puramboke" then the encroachments are to be removed by following procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905. If the writ petitioner is able to establish the title and ownership with reference to some documents, then the case of the writ petitioner has to be considered in accordance with the procedures contemplated under the Tamil Nadu Patta Pass Book Act, 1983.

5. Thus, the Tahsildar has to conduct an enquiry in respect of the land by verifying the revenue records and take a decision and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is at liberty to submit a fresh application along with the relevant documents before the Tahsildar for the purpose of adjudication. Accordingly the writ petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

pkn

To

1. The Tahsildhar,
Coimbatore South Tahsildar Office,
Hosur Road, Coimbatore -641 018.

2. The District Collector,
Coimbatore - 641 018.

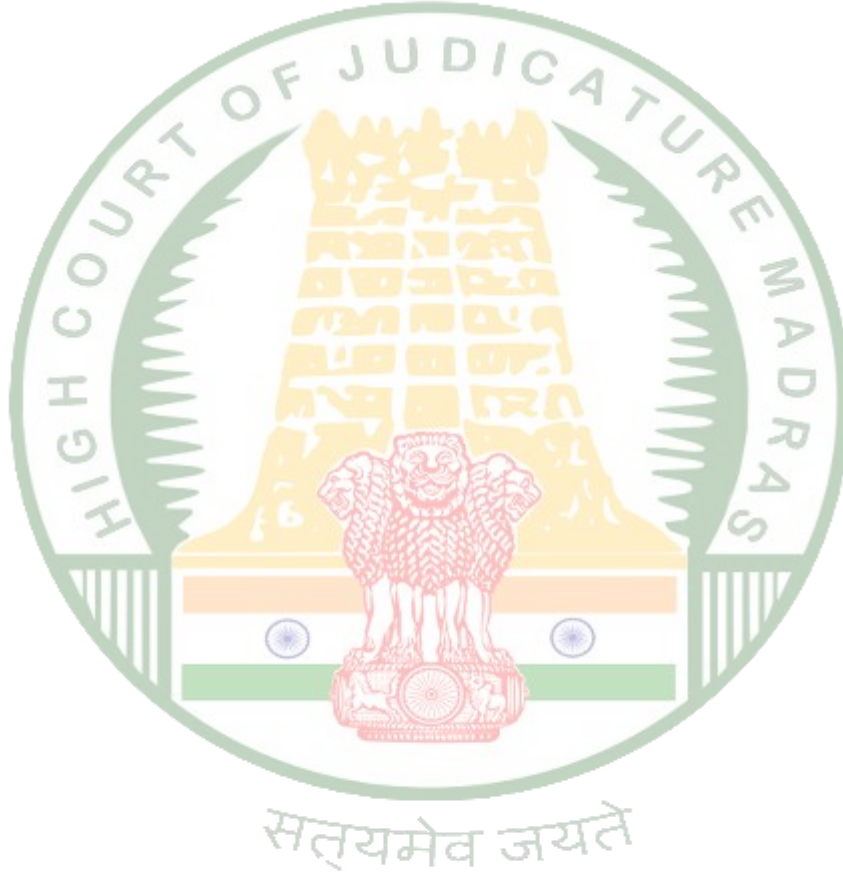
+1cc to Mr.C.Deivasigamani, Advocate SR.No.74783

+1cc to Government Pleader SR.No.75354

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PPA (CO)

GMV (27/11/2018)



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