

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.12367 & 12368 of 2016

and

W.M.P.Nos.10700 & 10701 of 2016

and

W.M.P.Nos.3290 & 3301 of 2019

W.P.No.12367 of 2016 :-

R.Sivakumar

.. Petitioner

-vs-

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Revenue Divisional Officer,
Udumalpet Taluk, Tiruppur District.

3.The Tahsildar,
Madathukulam Taluk,
Tiruppur District.

4.The Zonal Deputy Tahsildar,
Madathukulam Taluk,
Tiruppur District.

5.Mrs.Saraswathi,

D/o.Thiruman Mathari सत्यमेव जयते

6.The Assistant Commissioner (Land Reforms),
Coimbatore-18.

.. Respondents

[R6 - Impleaded as per order dated 16.10.2019 made
in W.M.P.No.3277 of 2019 in W.P.No.12367 of 2016]

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the
respondents 3 & 4 to delete the condition patta no.2291 in the
name of the fifth respondent and consequently direct the
respondents 3 & 4 to issue patta in the name of the petitioner
at survey no.120/5C2 to the extent of land 0.20 Hectare/0.5

Acres at Myvadi Village 1-2, Udumalpet Taluk, Tiruppur District based upon the patta already issued to the petitioner on 18.04.2012 & 11.07.2012.

W.P.No.12368 of 2016 :-

R.Sivakumar

.. Petitioner

-vs-

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Revenue Divisional Officer,
Udumalpet Taluk, Tiruppur District.

3.The Tahsildar,
Madathukulam Taluk,
Tiruppur District.

4.The Zonal Deputy Tahsildar,
Madathukulam Taluk,
Tiruppur District.

5.M.Kittan

6.The Assistant Commissioner (Land Reforms),
Coimbatore-18.

.. Respondents

[R6 - Impleaded as per order dated 16.10.2019 made in W.M.P.No.3291 of 2019 in W.P.No.12368 of 2016]

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 3 & 4 to delete the condition patta no.2288 in the name of the fifth respondent and consequently direct the respondents 3 & 4 to issue patta in the name of the petitioner at survey no.120/4B to the extent of land 0.28 Hectare/0.69 Acres at Myvadi Village 1-2, Udumalpet Taluk, Tiruppur District within a limited time frame.

For Petitioner :
(In both W.Ps.)

Mr.Esakiappan
For M/s.Ram Kumar

For Respondents:
(In both W.Ps.)

RR1 to 4 & 6 - Mr.G.B.Rajesh,
Government Advocate

: R5 - Mr.C.Venkatesan
For Mr.M.N.Balakrishnan

COMMON ORDER

The petitioner seeks for a direction upon the third and fourth respondents to delete the names of the fifth respondent in the respective writ petitions from the pattas.

2.The petitioner's case is pitched upon the suits for declaration and injunction filed by his grandfather, Kandasamy Gounder and grandmother, Palanathal in O.S.Nos.125 and 126 of 1995 on the file of District Civil Court, Udumalpet. The suits were decreed by judgments dated 26.07.1999 and 18.08.1999. In the said suits, the 5th respondent herein were the sole defendants. In the said suits, the 5th respondent had clearly stated that they were granted an assignment patta in respect of the subject property, which was declared as surplus land in the hands of the petitioner's grandfather and grandmother under the provisions of the Tamil Land Reforms (Fixation of Ceiling on Land) Act, 1961 (hereinafter referred to as "the Land Reforms Act"). This proceedings remain unquestioned by the petitioner's grandfather and grandmother, who had executed Wills in favour of the petitioner in the year 2005 and the petitioner got the properties after the demise of his grandfather and grandmother in the year 2008 and pattas were changed in his name in the year 2008. However, since the properties had already been assigned in favour of the 5th respondent, authorities have included the names of the 5th respondent in the pattas.

3.Therefore, in the given facts and circumstances, the prayers sought for by the petitioner to delete the names of the 5th respondents cannot be acceded to, more particularly when the proceedings initiated under the Land Reforms Act had attained finality and the petitioner's grandfather and grandmother had not questioned the same. The petitioner's attempt to question the same in these writ petitions by seeking for amendment in the prayers of the writ petitions along with W.M.P.Nos.3288 and 3299 of 2019 was rejected by this Court by order dated 06.12.2019. Hence, for the above reasons, the prayers sought for cannot be granted.

4.Further, the learned Government Advocate submitted that the application submitted by the petitioner for transfer of patta through Internet E-service was also rejected by the 4th respondent, vide Proceedings No. 2016/0103/32/00606827, dated 09.02.2016.

5. Accordingly, these writ petitions fail and they are dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

abr

To

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer,
Udumalpet Taluk, Tiruppur District.
3. The Tahsildar,
Madathukulam Taluk,
Tiruppur District.
4. The Zonal Deputy Tahsildar,
Madathukulam Taluk,
Tiruppur District.
5. The Assistant Commissioner (Land Reforms),
Coimbatore-18.

+1cc to Mr.M.N.Balakrishnan, Advocate sr.102077
+2cc to Mr.C.Venkatesan, Advocate sr.702076
+1cc to Mr.S.Ram Kumar, Advocate sr.102689

W.P.Nos.12367 & 12368 of 2016

rsi(co)
nr 28/01/2020