

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.24193 of 2004
and
W.P.M.P.No.29372 of 2004

Nachammal
(amended vide order dated
27.04.2019 in WP.MP.No.812/2009
in WP.No.24193/2004)

...Petitioner

Vs

- 1.The District Collector,
Coimbatore,
Coimbatore District.
- 2.The District Revenue Officer,
Coimbatore,
Coimbatore District.
- 3.The Revenue Divisional Officer,
Tirupur, Tirupur Taluk,
Coimbatore District.
- 4.The Tasildhar,
Tirupur,
Tiruppur Taluk,
Coimbatore District.
- 5.The Land Revenue Officer,
Pongalur Firka,
Pongalur Post,
Tirupur Taluk,
Coimbatore District.
- 6.The Village Administrative Officer,
34A, Kattur Village,
Kattur Post,
Tiruppur, Coimbatore District.
7. The District Collector,
Tiruppur District.

...Respondents

(Seventh respondent suo-motu impleaded
vide order dated 27.04.2019 passed
in this Writ Petition)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to issue Ayan Patta to the petitioner and further forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's lands situated in Survey No.575/2B situated in Santhavanaickenpalayam, Kattur Village, Tirupur Circle, Coimbatore District. [Prayer amended vide order dated 27.04.2019 in WP.MP.No.813/2009 in WP.No.24193/2004]

For Petitioner : Mrs.P.T.Ramadevi

For Respondents: Mr.S.Suresh Kumar, GA

O R D E R

The prayer in the present writ petition is for a direction to the respondents to issue Ayan Patta to the petitioner and also forbear from interfering with the peaceful possession and enjoyment of the petitioner's lands situated in Survey No.575/2B in Santhavanaickenpalayam, Kattur Village, Tirupur Circle, Coimbatore District. (survey number corrected as per this order).

2. The learned counsel for the petitioner submitted that at the time of filing the writ petition, they had inadvertently mentioned the Survey number as 575/2 instead of the correct Survey number 575/2B in Santhavanaickenpalayam, Kattur Village, Tirupur Circle, Coimbatore District. In view of the inadvertent mistake, this Court is of the view that the Survey number in the prayer can be altered and such an amendment is hereby ordered.

3. The decision to issue Ayan Patta in favour of the petitioner is within the domain of the District Collector of the concerned District and this Court may not be justified in directing the concerned District Collector to issue patta, without any proper enquiry. Nevertheless, the learned counsel for the petitioner submitted that he has been making representations continuously to the concerned District Collector and since the representations were not considered in time, they were constrained to file the writ petition.

4. The representations made by the petitioner were in the year 2004 and it would not be proper in directing the concerned District Collector to consider the representations after lapse of more than 15 years. Nevertheless, if the petitioner is granted liberty to make out an appropriate application seeking for Ayan Patta and consequently, directing the concerned District Collector to consider the same on its own merits, the

ends of justice would be secured.

5. It is also brought to the notice of this Court that pending the writ petition, there was a bifurcation of the District, owing to which, the subject property is now under the jurisdiction of Collector of Tiruppur District. The District Collector, Tiruppur is suo-moto impleaded as a party respondent.

6. For all the foregoing reasons, the petitioner is granted liberty to make an appropriate application seeking for Ayan Patta before the District Collector, Tiruppur and on receipt of such an application, the District Collector, Tiruppur shall give due opportunities to the petitioner as well as any other person who may be interested in the subject matter and after conducting a due enquiry, shall pass appropriate orders on merits, as expeditiously as possible.

7. Accordingly, the writ petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore,
Coimbatore District.

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Coimbatore District.

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Tirupur Taluk,
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vsnii(co)
nr 10/02/2020



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