

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33341 of 2018

and

WMP No.38695 of 2018

R.Balasubramaniam

...Petitioner

Vs.

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore Division, Coimbatore.

3.The Tahsildar,
Sulur Taluk, Coimbatore District.

4.The Revenue Inspector,
Karumathampatti,
Sulur Taluk, Coimbatore District.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondents to issue patta to the petitioner under Ex-Servicemen category for 800 sq.ft. comprised in Survey No.149/1, Neelambur Kurumbapalayam Village, Sulur Taluk, Coimbatore District based on the recommendation for grant of patta through the third respondent's letter No.Na.Ka.1906/2016/A2 dated 17.03.2017, within a stipulated time fixed by this Court.

For Petitioner : Mr.C.T.Mohan
for Mr.A.Suresh Sakthi Murugan

For Respondents: Mr.I.Sathish
Additional Government Pleader

O R D E R

The petitioner seeks for a mandamus to direct the respondents to issue patta to the petitioner under Ex-Servicemen category for 800 sq.ft. comprised in Survey No.149/1, Neelambur Kurumbapalayam Village, Sulur Taluk, Coimbatore District based

on the recommendation for grant of patta through the third respondent's letter No.Na.Ka.1906/2016/A2 dated 17.03.2017, within a stipulated time fixed by this Court.

2. Heard both sides.

3. The petitioner is an Ex-Servicemen. He made application before the Tahsildar/third respondent for grant of patta at Survey No. 149/1, Neelambur Group Kurumbapalayam Village, Sulur Taluk, Coimbatore District, measuring an extent of 800 sq.ft. under Ex-Servicemen category. It is stated that the petitioner is in possession and enjoyment of the said property for long number of years. It is further seen that the third respondent has issued a communication dated 17.03.2017 to the second respondent, also marking a copy of the same to the first respondent, stating that the said property, which is in occupation of the petitioner is shown as cart track (Survey No.149/1), wherein 800 sq.ft. is available and therefore, reclassification has to be made for granting patta to the petitioner in respect of the said land. Even thereafter, the request of the petitioner was not considered so far. Hence, the writ petition is filed before this Court.

4. Considering the fact that the third respondent has already issued such communication dated 17.03.2017 to the third respondent and the copy is also marked to the first respondent, this Court is of the view that the request of the petitioner has to be considered by the first respondent and pass appropriate orders on merits and in accordance with law, also by taking note of the recommendation made by the Tahsildar, as stated supra. Accordingly, this writ petition is disposed of, by directing the first respondent to consider the request of the petitioner seeking for grant of patta, on merits and in accordance with law, also by taking note of the recommendation made by the third respondent. Such exercise shall be made by the first respondent within a period of 12 weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, the petitioner's possession shall not be disturbed. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore Division, Coimbatore.

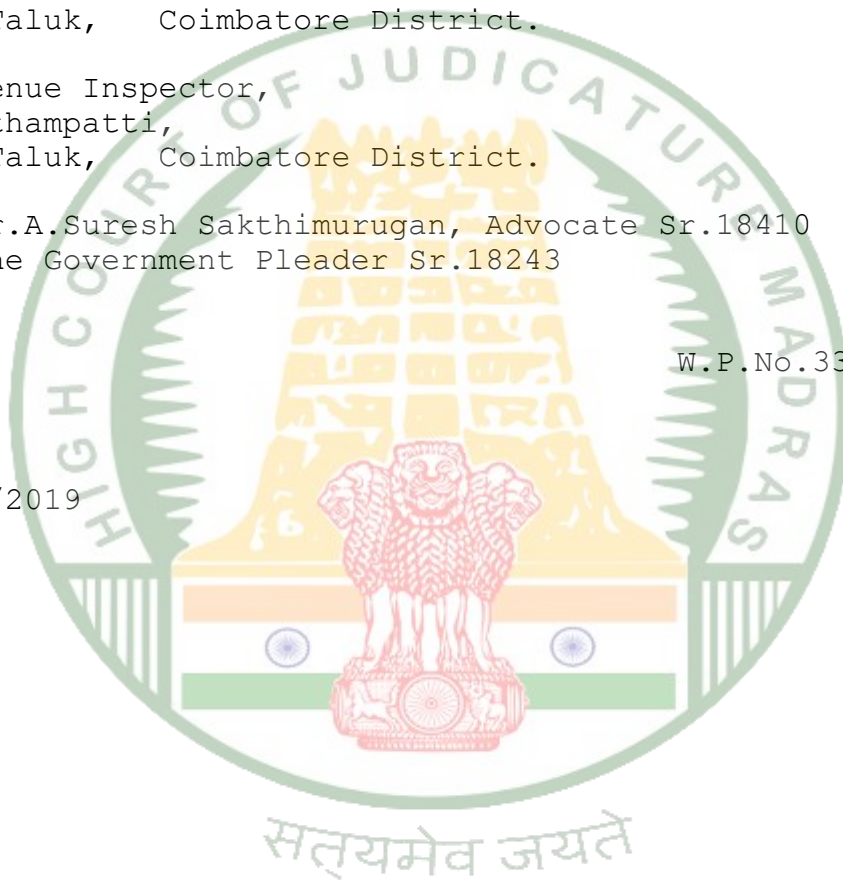
3.The Tahsildar,
Sulur Taluk, Coimbatore District.

4.The Revenue Inspector,
Karumathampatti,
Sulur Taluk, Coimbatore District.

+2cc to Mr.A.Suresh Sakthimurugan, Advocate Sr.18410
+1cc to the Government Pleader Sr.18243

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srg 30/03/2019



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