



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.11479 of 2011

&

M.P.No.2 of 2011

The Valparai Co-operative
Urban Bank Ltd.,
Rep. by its Special Officer,
Valparai, Coimbatore - District

... Petitioner

Vs.

1.The District Collector,
Coimbatore District, at Coimbatore.

2.The Revenue Divisional Officer
And Sub-Divisional Executive Magistrate,
Pollachi.

3.The Tahsildar,
Valparai, Coimbatore District.

4.The Village Administrative officer,
Valparai,
Coimbatore District

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent's proceeding made in Ni.Mu.No.3404/2010/A3 dated 23-02-2011 to quash the same and consequently direct the respondents to refrain from indulging in illegal activities forthwith thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.M.Rajendiran
Additional Government Pleader

O R D E R

The Cooperative Urban Bank is the petitioner in the present Writ Petition. The petitioner Bank was established five decades ago for the welfare of the workers in Anamalai Estate, Valparai, Coimbatore District.



2. The petitioner is functioning in its own premises within the patta land measuring 41 cents. The people of the residents on the eastern side of the Bank have separate pathway on the eastern side, which leads to main road and the persons residing on the eastern side use the road for the past several years. The Bank employees are using the northern side of the Bank having provided with water tank and septic tank and the same cannot be allowed because of safety and security.

3. The learned counsel for the petitioner made a submission that on the northern side of the Bank, water tank and septic tank were constructed and the general public cannot be allowed to use the said portion in view of security and safety.

4. The order impugned dated 23.02.2011 categorically describes the boundaries of the property allotted in favour of the petitioner, Co-operative Urban Bank. The findings of the respondents reveals that the land was handed over to the Secretary of the Cooperative Bank and 50 Square meters were granted in excess. Therefore, a proposal was submitted for effecting corrections in the patta passbook. The Revenue Divisional Officer issued impugned order stating that the Tahsildar, Valparai should carryout necessary modifications in the patta passbook.

5. This Court is of the considered opinion that as far as the land allotted to the petitioner Bank is concerned, they are at liberty to utilise the same for exclusive purpose. In respect of the excess land allotted, the Revenue Authorities have issued direction to effect modification in the patta pass book. In respect of usage of public road, the authorities have to consider and ensure that no hindrance or otherwise caused to the public for the usage of existing road.

6. As regards the excess land granted is concerned, the petitioner cannot have any right and they are only entitled to use the land which was allotted to them as per documents.

7. This being the factum established, no further consideration is required with reference to the claim of the petitioner. With these observations, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar



To

1. The District Collector,
Coimbatore District, at Coimbatore.
2. The Revenue Divisional Officer
And Sub-Divisional Executive Magistrate,
Pollachi.
3. The Tahsildar,
Valparai, Coimbatore District.
4. The Village Administrative officer,
Valparai,
Coimbatore District

+1cc to Mr.L.Chandrakumar, Advocate SR. No.68391
+1cc to Government Pleader SR. No.68712

W.P.No.11479 of 2011

GSM (CO)
PR (05/01/2022)