



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13149 of 2015

and

M.P.No.1 of 2015

1.E.Ayyaswamy (Deceased)

2.C.P.Eijjayan

[P2 substituted as LR of deceased sole petitioner
vide order dated 08.09.2021 made in WMP.No.19594/2012
in W.P.No.13149/2015]

...Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Coimbatore - 18.

2.The District Revenue Officer,
Collector Office Compound,
Coimbatore - 18.

3.The Revenue Divisional Officer,
Collector Office Compound,
Coimbatore - 18.

4.Tahsildar,
Coimbatore South,
Coimbatore - 18.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the demand notice sent by the fourth respondent in Pa.Vae.1407/2010/A1 dated 31.05.2014 and quash the same as illegal, unconstitutional and further direct the first respondent to pass necessary orders of assignment of land to an extent of 292 sq.ft consists of 113 sq.ft T.S.No.1577/2, 86 sq.ft in T.S.No.1560/2 and 93 sq.ft in T.S.No.1506/7 situated at Ayyasamy Koil Street, Coimbatore which is under the occupation of the petitioner and issue patta in favour of the petitioner.

For Petitioner : Mr.N.Ravishankar Vallatharasu

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate



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O R D E R

This petition has been filed seeking to quash the demand notice sent by the fourth respondent in Pa.Vae.1407/2010/A1 dated 31.05.2014 and further direct the first respondent to pass necessary orders of assignment of land to an extent of 292 sq.ft consists of 113 sq.ft T.S.No.1577/2, 86 sq.ft in T.S.No.1560/2 and 93 sq.ft in T.S.No.1506/7 situated at Ayyasamy Koil Street, Coimbatore, which is under the occupation of the first petitioner and issue patta in favour of the first petitioner.

2. The first petitioner had died and his legal heir has been brought on record as the second petitioner herein. It is the case of the first petitioner is that an extent of 793 sq.ft comprised in T.S.No.1578 belonged to the first petitioner. In between the first petitioner's property Ayyasamy Koil Street, the properties comprised in T.S.No.1506 to an extent of 93 sq.ft and the land comprised in T.S.No.1560/2 to an extent of 86 sq.ft and the land comprised in T.S.No.1577/2 to an extent of 113 sq.ft in total extent of 292 sq.ft, which was classified as Government Promboke, were occupied by the first petitioner. It has been used as pathway to reach the first petitioner's shop. Therefore, the first petitioner approached the Government for issuance of patta for the said land. In fact, the first respondent recommended his request by the communication letter dated 11.07.1994 and 16.02.1999 to the Special Commissioner and Commissioner for Land Administration, Chennai for issuance of patta.

3. However, admittedly, the first petitioner occupied the Government Poramboke land and he is treated to be an encroacher. Therefore, the fourth respondent demanded encroachment tax at Rs.65,408/- as per the guideline value of the subject property. It is also an admitted fact that the land is being used for commercial purpose. Therefore, this Court finds no infirmity or illegality in the order passed by the fourth respondent and this Writ Petition is devoid of merits.

4. Accordingly, this Writ Petition is dismissed. However, in respect of the assignment of the land and issuance of patta to the said subject properties, the second petitioner is at liberty to approach the authority concerned, in view of the recommendation of the first respondent dated 11.07.1994 and 16.02.1999. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
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3.The Revenue Divisional Officer,
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4.The Tahsildar,
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Coimbatore - 18.

+1cc to M/s.N.Ravishankar Vallatharasu, Advocate SR.No.46053

+1cc to the Government Pleader SR.No.45807

W.P.No.13149 of 2015

PPA(CO)
RVM(29/09/2021)