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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28397 of 2010
and
M.P.Nos.1 & 2 of 2010

1. K.Ayyanor @ Ayyanarappan
2. K.Parvathi
3. K.Krishnan
4. K.Kalyanasundaram
5. D.Dhanalakshmi

... Petitioners

Vs.

1. The District Collector,
Salem District,
Salem & District.
2. The District Revenue Officer,
Salem District,
Salem & District.
3. The Revenue Divisional Officer,
Mettur, Salem District.
4. The Tahsildar,
Mettur, Salem District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records of the first respondent's order made in Na.Ka.No.55680 of 2008 K2 dated 24.12.2008 and quash the same and thereby direct the respondents to assign and grant patta, to the 1st petitioner for the lands comprised in New T.S.No.1, A-Ward, Block No.52 for an extent of 1.59 acres (1.9175-0 Hec/sq.mt.Part) and New T.S.No.1, A-Ward, Block No.53 for an extent of 1.51 acres (2.494.00 Hec/sq.mt) (Old S.No.1 Part, Block No.28, extent 93.11999 Hec/sq.mt and old S.No.6 Part, extent 7.19820 Hec/sq.mt) and to the petitioners 2 to 5 for the



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lands comprised in New T.S.No.2/1, A-Ward, Block No.1 for an extent of 1.08 acres and Ward No.A, Block No.52 T.S.No.1 for an extent of 1.02 acres (205.4974.5 Hec/sq.mt Part) (Old S.No.2 part Block Nos.29 and 28, extent 520.02614), situated in Gowriammal Nagar, Nehru Nagar West, Mettur Municipal Limits, Salem District.

For Petitioners : Mr.K.A.Ravindran

For Respondents : Mr.Richardson Wilson
Government Advocate

O R D E R

This petition has been filed seeking to quash the first respondent's order made in Na.Ka.No.55680 of 2008 K2 dated 24.12.2008 and thereby direct the respondents to assign and grant patta, to the 1st petitioner for the lands comprised in New T.S.No.1, A-Ward, Block No.52 for an extent of 1.59 acres (1.9175-0 Hec/sq.mt.Part) and New T.S.No.1, A-Ward, Block No.53 for an extent of 1.51 acres (2.494.00 Hec/sq.mt) (Old S.No.1 Part, Block No.28, extent 93.11999 Hec/sq.mt and old S.No.6 Part, extent 7.19820 Hec/sq.mt) and to the petitioners 2 to 5 for the lands comprised in New T.S.No.2/1, A-Ward, Block No.1 for an extent of 1.08 acres and Ward No.A, Block No.52 T.S.No.1 for an extent of 1.02 acres (205.4974.5 Hec/sq.mt Part) (Old S.No.2 part Block Nos.29 and 28, extent 520.02614), situated in Gowriammal Nagar, Nehru Nagar West, Mettur Municipal Limits, Salem District.

2. The petitioners are the legal heirs of one Kali. The subject properties are in their possession and enjoyment, on paying B Memo charges. Therefore, they submitted a representation to the first respondent for granting Patta for the land which is in their occupation. Since no action has been taken by the first respondent, they approached this Court by way of W.P.No.37730 of 2004 and this Court, by an order dated 20.12.2004, directed the first respondent to pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of a copy of the order. As directed by this Court, the respondents 3 and 4 inspected the subject property and rejected the request made by the petitioners by the impugned order.

3. The learned counsel for the petitioners submitted that the petitioners already filed a Writ Petition in W.P.No.29948 of 2018 and this Court by an order dated 12.02.2009, disposed the Writ Petition with direction to the respondents not to evict the petitioners from the lands without following the due process of law. He further submitted that even as per the impugned order,



the petitioners may be considered for Patta in respect of their house plots.

4. It is pertinent to note that when this Court directed the first respondent to consider the petitioners' representation dated 31.07.2004 within a period of 12 weeks and as directed by this Court, the first respondent passed the order on 24.12.2008. When that being so, this Court passed the order dated 12.02.2009 with the above said direction. While passing the order, the petitioners failed to bring to the notice about the impugned order in this Writ Petition. However, the land which is sought to be assigned in favour of the petitioners are to an extent of 10.02 cents. Admittedly, they are paying B Memo charges for their possession of the property. It is situated within the Mettur Township area and situated adjacent to the residential area. The land is required for expansion of Mettur Township and such a large extent of the land cannot be assigned, since it is situated within the Mettur Township area. That apart, the respondents were already directed to follow the due process of law to evict the petitioners from the said land. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and this Writ Petition is devoid of merits.

5. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kv

To

1. The District Collector,
Salem District,
Salem & District.
2. The District Revenue Officer,
Salem District,
Salem & District.
3. The Revenue Divisional Officer,
Mettur, Salem District.



4. The Tahsildar,
Mettur, Salem District.

+1cc to the Government Pleader, S.R.No.38805

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KSM(CO)
CT/06/09/2021