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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29053 of 2011

and

M.P.No.1 of 2011

1. R.Muthusamy
2. R.Loganathan
3. S.Jaganathan
4. D.Kavitha
5. K.Sivasamy
6. S.Pattukottai Kalyanasundaram

... Petitioners

Vs.

1. The District Revenue Officer,  
Coimbatore District,  
Coimbatore.
2. The Revenue Divisional Officer,  
Coimbatore,  
Coimbatore District.
3. The Tahsildar,  
Sulur Taluk,  
Coimbatore District.
4. The Sub Registrar,  
Sub Registrar Office,  
Sulur,  
Coimbatore District.

... 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 proceedings dated 02.02.2011 made in Na.Ka.No.43334/2010/E1 on the file of the first respondent herein, quash the same, insofar as the lands measuring an extent of 3.91 acres in S.F.No.485/14B, Karumathampatti Village, Sulur Taluk, Coimbatore District and consequently forbear the respondents from interfering with the



petitioners' right to property except by following the procedure established by law.

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For Petitioners : Mr.N.Manokaran

For Respondents : Mr.Richardson Wilson  
Government Advocate

## O R D E R

This petition has been filed seeking to quash the proceedings dated 02.02.2011 made in Na.Ka.No.43334/2010/E1 on the file of the first respondent herein, insofar as the lands measuring an extent of 3.91 acres in S.F.No.485/14B, Karumathampatti Village, Suler Taluk, Coimbatore District is concerned and consequently forbear the respondents from interfering with the petitioners' right to property except by following the procedure established by law.

2. The case of the petitioner is that the property comprised in S.F.No.485/14 to an extent of 3.97 acres situated at Karumathampatti Village was classified as "unassessed waste". It was under possession and enjoyment of one Rangavannan. Subsequently, after considering his actual and long possession and enjoyment of the said property, the Tahsildar, Palladam Taluk had recommended for assignment of the said property in his favour by the proceedings dated 18.01.1932. On a perusal of the said proceedings, it reveals that the encroached portion has been separately sub-divided as S.F.No.485/14B and the Tahsildar, Palladam Taluk recommended that the land may be declared as not specially valuable and the assignment of the said land to the encroacher, viz., the said Rangavannan, free of land value may kindly be sanctioned. On the basis of the recommendation of the Tahsildar, Palladam Taluk, patta was issued in favour of the said Rangavannan by an order dated 26.09.1932 in Patta No.471. After his demise, his legal heirs executed sale deed in respect of the said property in favour of one R.Ramasamy Gounder, who is none other than the father of the petitioners 1 and 2 and grandfather of petitioner 3 herein, by the registered sale dated 01.06.1966 registered vide document No.824/1966. On the strength of that sale deed, the entire revenue records were mutated in favour of the said R.Ramasamy Gounder and patta was also issued in his favour in Patta No.964. The said R.Ramasamy Gounder died intestate leaving behind his three sons and one daughter as legal heirs. The legal heirs sold portion of the property



comprised in S.F.No.485/14B to a third party. Thereafter, the remaining properties were partitioned between the family members by the partition deed dated 17.08.2000 registered vide document No.4052 of 2000. Accordingly, the revenue documents were mutated in favour of the petitioners 1 to 3 herein. After partition, some of the properties were already sold out in favour of the petitioners 5 and 6 and all are in possession and enjoyment of the subject property. In fact, the second petitioner availed a loan from the Somanur Primary Agricultural Co-operative Bank by mortgaging his share in the subject property and executed the mortgage deed dated 23.02.2001. In fact, the other legal heirs also constructed residential house and Power Loom godown in the subject property. A portion of the subject property was sold out in favour of the fourth petitioner herein. At that juncture, the fourth petitioner applied for encumbrance certificate and came to know about the impugned order passed by the first respondent.

3. Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the respondents.

4. On a perusal of the impugned order, it reveals that on the representation submitted by the general public claiming free house patta in the land comprised in S.No.485/14-A. On receipt of the said petition, the first respondent herein verified the A Register and recorded that originally the land comprised in S.F.No.485/14-B stood in the name of R.Ramasamy Gounder as per Patta No.964. Further recorded that it was originally classified as unassessed waste land and subsequently, patta for that property was issued in favour of the private individuals. G.O.Ms.No.385 dated 17.08.2004, empowered the first respondent to change the classification of the land. Accordingly, by the impugned order, the first respondent re-classified the property comprised in S.F.No.485/14-B as "Natham".

5. On a perusal of the records, it reveals that the subject property was originally in possession and enjoyment of the said Rangavannan. The subject property was assigned to the said Rangavannan by communication dated 18.01.1932 by the Tahsildar, Palladam Taluk. On the strength of the assignment, he was issued patta in Patta No.471. After his demise, his legal heirs sold out the property in favour of the said R.Ramasamy Gounder, who is the father of the petitioners 1 and 2 and grandfather of the petitioner 3, by the registered sale deed dated 01.06.1966 registered vide document No.824/1966. Thereafter, he was also issued patta in Patta No.964 and the same was duly mutated in all revenue records. It is also evident from the impugned order that the land comprised in S.F.No.485/14-B stood in the name of



the said R.Ramasamy Gounder, or of the petitioners 1 to 3 herein. While being so, the first respondent on receipt of the representation from the general public, without even issuing notice to the petitioners, mechanically reclassified the subject property land as "Natham".

6. It is also curious to note that the general public made a representation for issuance of free house site patta in respect of the property comprised in S.F.No.485/14-A. Whereas, the first respondent re-classified the land as "Natham" in respect of S.F.No.485/14-A and also re-classified the land comprised in S.F.No.485/14-B as "Natham", that too without notice to the parties concerned. Therefore, it is clear violation of principles of natural justice and the impugned order cannot be sustained as against the petitioners.

7. In view of the above discussion, the impugned order dated 02.02.2011 is set aside. Accordingly, the Writ Petition is allowed. However, the first respondent is at liberty to issue notice to the parties concerned while considering the representation made by the general public for issuance of free house site patta and the petitioners are at liberty to produce all the documents in respect of the subject property and on receipt of the same, the first respondent is directed to consider the same and pass orders on merits and in accordance with law. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kv

To

1. The District Revenue Officer,  
Coimbatore District,  
Coimbatore.
2. The Revenue Divisional Officer,  
Coimbatore,  
Coimbatore District.



3. The Tahsildar,  
Sulur Taluk,  
Coimbatore District.

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4. The Sub Registrar,  
Sub Registrar Office,  
Sulur,  
Coimbatore District.

+1cc to the Government Pleader, S.R.No.39774

W.P.No.29053 of 2011

BR(CO)  
SU(15/09/2021)