



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.30383 OF 2011

AND

M.P.NO.3 OF 2011

1.R.Kathiravan
2.Rukumani
3.Geetha
4.Uma

... Petitioners

Vs

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Revenue Divisional Officer,
Coimbatore, Coimbatore District.
3. The Tahsildar,
Sulur Taluk, Sulur,
Coimbatore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.15416/2011/Aa2, dated 14.12.2011 and quash the same.

For Petitioners : Mr.C.P.Palanichamy

For Respondents : Mr.V.Jeevagiritharan,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.15416/2011/Aa2, dated 14.12.2011 and quash the same.



2. The case of the petitioners is that the grand-father of the petitioners 1, 3 and 4 purchased of house-site to an extent of 13 cents in the year 1972. After his demise, the first petitioner's father constructed a house and all the the family members are residing in the said house. The said house-site is situated originally Natham S.No.331 and now it is sub-divided as Natham K.Sa.No.500/3 and they have constructed respective portion of the houses, which were also assessed to the property tax. However, the respondents denied patta to them. In fact on the recommendation of the local Panchayat, the second and third respondents inspected the said house-site and made recommendation to the first respondent for issuance of patta and thereafter, the third respondent, in his proceedings Na.Ka.12605/2007/E2, dated 24.03.2018 to the second respondent, recommended for issuance of patta and in turn, the second respondent passed order in his proceedings No.Mu.Mu.8313/09/A2, dated 06.12.2010 directing to issue patta to the petitioners.

3. However, the first respondent had taken the matter suo-motu, without any objections raised by the public whereby the first respondent cancelled the patta issued in favour of the petitioners, for the reason that the second respondent passed the order without following the procedures laid down for vacant Natham site. The documents produced by the petitioners are clear that their houses were assessed to property tax and till the month of October 2021, they have paid house tax and other dues with the Revenue Department. That apart, the said land is classified as "Natham" and admittedly, the petitioners are in possession and enjoyment of the said property.

4. In view of the above facts and circumstances of the case, the impugned proceedings dated 14.12.2011 is quashed. The third respondent is directed to issue patta to the petitioners in respect of the subject property comprised in Natham K.Sa.No.500/3 within a period of two weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kv



To

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Revenue Divisional Officer,
Coimbatore, Coimbatore District.
3. The Tahsildar,
Sulur Taluk, Sulur,
Coimbatore District.

+4ccs to Mr.K.Ramani, Advocate, S.R.No.69709
+1cc to the Government Pleader, S.R.No.69912

W.P.No.30383 of 2011

PM(CO)
PM/19/01/2022