



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.31982 of 2012

and

M.P.No.1 of 2012

K.Kulandaisamy

... Petitioner

-Vs-

1. The District Collector,
Erode District.
2. The Revenue Divisional Officer,
Erode.
3. The Tahsildar,
Erode.
4. Karuppana Gounder
5. The Thasildar,
Kodumudi,
Erode District.

(R5 implied as per order
dated 29.09.2021 in W.M.P.
No.4937 of 2020 in
W.P.No.31982 of 2012)

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ Mandamus, directing the respondents 1 to 3, their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the property in R.S.No.344/1 (Old S.F.No. 577) of Velayuthampalayam village, Erode District.

For Petitioner : Mr.M.Karthik
for Mr.I.C.Vasudevan

For R1,R2,R3 & R5 : Mr.M.R.Gokul Krishnan
Government Advocate.



ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents 1 to 3, their subordinates from interfering with the petitioner's peaceful possession and enjoyment of the property in R.S.No.344/1 (Old S.F.No. 577) of Velayuthampalayam village, Erode District.

2. Heard, Mr.M.Karthik, learned counsel appearing for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 to 3 and 5.

3. The case of the petitioner is that the petitioner purchased the house site to an extent of 15 cents, classified as Natham Poramboke at Velayuthampalayam, Aval Poondurai village, Erode District. From the date of purchase, the petitioner along with her family members are in possession and enjoyment of the same. While being so, in the year 2011, the petitioner has got approval of house site plan and constructed house. He also put up cattle shed in the other portion of the said property. Therefore, he applied for patta and it is pending.

4. Whereas, on perusal of the counter revealed that the subject land comprised in R.S.No.344/1 ad-measuring 0.10.00 hectares, which is being classified as "Government Poramboke-Natham Vacant Site". The petitioner put up construction having six rooms, wherein workers employed in the "Nursery Garden" run by the son of the petitioner are dwelling. He also planted 20 coconut trees. In fact, the petitioner owned other land in R.S.No.342/2 and constructed two terraced buildings and residing there. The general houseless, landless poor public of that village during the year 2012 have demanded to provide free house site pattas to the landless poor people in R.S.No.344/1 after Natham Settlement belonging to Natham Settlement Natham Survey No.344/1. The Government Poramboke land under the enjoyment of the wealthy pattadars cannot be legalized by issuance of patta. Moreover, the patta will not be issued, if the Natham land is used for commercial purposes.

5. However, the request made by the petitioner is pending with the respondents. It is made clear that the petitioner had submitted representation dated 05.09.2012 and it is not possible for the first respondent to consider the said representation. Therefore, the petitioner is directed to submit a fresh representation along with all necessary documents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the request of the petitioner for issuance of patta, after giving an opportunity of hearing to the



petitioner and pass orders on merits and in accordance with law.

6. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Lpp/mn

To

1. The District Collector,
Erode District.
2. The Revenue Divisional Officer,
Erode.
3. The Tahsildar,
Erode.
4. The Thasildar,
Kodumudi,
Erode District.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.50720

+1cc to the Government Pleader, S.R.No.50890

W.P.No.31982 of 2012
and
M.P.No.1 of 2012

KK(CO)
SU(02/11/2021)