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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.5677 of 2012 and
MP.Nos.2 & 3 of 2012

R.Santhakumari

Vs

...Petitioner

1.The Principal Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai 600 005

2.The District Revenue Officer,
Coimbatore

3.The Revenue Divisional Officer,
Tiruppur

4.The Tahsildar,
Palladam,
Tiruppur District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records relating to the order of the first respondent in Ref.D.Dis.K4/RP 52/03 (24572/03) dated 10.08.2011 in confirming the order of the 2nd respondent in his proceedings in Na.Ka.No.40344/2002-E2 dated 24.01.2003 and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.P.Raju
for Mr.Palani Selvaraj

For Respondents : Mr.Richardson Wilson,
Government Advocate



ORDER

This Writ Petition is filed challenging the order of the first respondent in Ref.D.Dis.K4/RP 52/03 (24572/03) dated 10.08.2011 in confirming the order of the 2nd respondent in his proceedings in Na.Ka.No.40344/2002-E2 dated 24.01.2003.

2. The petitioner has purchased the subject property in the year 1991 and had put up construction. They had applied for patta and they were granted patta by the Government. However, the revenue officials cancelled the patta on the ground that the land is classified as natham and it can be used only for housing purposes, whereas the petitioner had used the land for commercial purposes. Aggrieved by the same, the petitioners also preferred writ petition before this Court in WP.No.24408 of 2002 and the petitioner was directed to file revision before the District Revenue Officer. However, the District Revenue Officer/second respondent dismissed the revision and aggrieved by the same, the petitioner filed revision before the first respondent. The same was also dismissed. Aggrieved by the same, the present writ petition has been filed.

3. Admittedly, the subject land is classified as village natham since 1914. On perusal of the records, revealed that the extent admeasuring 22 cents of land comprised in survey No.259/1 was sold as ryotwari dry land to Tamil Evangelical Lutheran Church. The land was classified as village natham and there is no possibility to change the classification of the land as ryotwari dry. The transferors for their convenience to sell the land had mentioned as if it was ryotwari dry. That apart, the vendor of the petitioner constructed 14 shops in survey No.259/1 and leased out to various persons. The land was also sold out as vacant sites to the petitioner herein. Therefore it was never used for dwelling purpose. Under natham settlement scheme, patta cannot be issued to the lands which are purely used for commercial purpose. Therefore, the respondents rightly cancelled the grant of patta in favour of the petitioner as violative of norms fixed in GO.Ms.No.1971 Revenue Department dated 14.10.1988. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and liable to be dismissed.

4. However, the learned counsel for the petitioner would submit that now the subject land is used for dwelling purpose and as such requested for issuance of patta. Considering the said submission, the petitioner is at liberty to file their application before the authority concerned with all necessary documents.



5. With the above observation, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

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Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai 600 005

2.The District Revenue Officer,
Coimbatore

3.The Revenue Divisional Officer,
Tiruppur

4.The Tahsildar,
Palladam,
Tiruppur District

+lcc to Mr.Palaniselvaraj, Advocate, S.R.No.38212

+lcc to the Government Pleader, S.R.No.38094

WP.No.5677 of 2012

PCH(CO)
RGA(27/08/2021)