



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.6730 of 2020
and W.M.P.No.8000 of 2020

K. Nagaraj

...Petitioner

Versus

1. The District Collector,
Coimbatore Collectorate,
Coimbatore.

2. The District Revenue Officer,
Railway Station Road,
Coimbatore - 641 018.

3. The Tashildar,
Perur Taluk,
Coimbatore District.

...Respondents

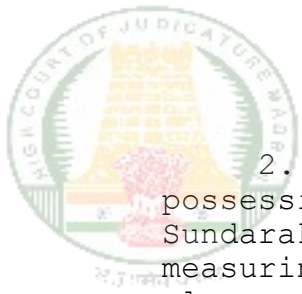
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 09.12.2019 in pursuant to the proceedings viz., P.V.1399/2004/A, dated 30.03.2005, consequently, to direct the respondents 2 and 3 to issue Patta to the petitioner's property in Survey No.131/11, Sundakamuthur Village, Coimbatore District South Taluk, measuring to an extent of 2 acres 50 Cents.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, to direct the respondents 2 and 3 to consider the petitioner's representation dated 09.12.2019 in pursuant to the proceedings viz., P.V.1399/2004/A, dated 30.03.2005, consequently to direct the respondents 2 and 3 to issue patta to the petitioner's property in Survey No.131/11, Sundakamuthur Village, Coimbatore District South Taluk, measuring to an total extent of 2 acres 50 Cents.



2. The case of the petitioner is that his father was in possession of the property situated in Survey No.131/11, Sundarakamuthur Village, Coimbatore District South Taluk, measuring to an total extent of 2 Acres 50 Cents and he has also paid all necessary taxes in respect of the property. Subsequently, he has approached the respondents for issuing Patta. However, as per proceedings in N.K.Om.No.4872/98/A1, dated 15.04.1998 the second respondent directed the third respondent to take appropriate action in connection with the petitioner's father requesting them for issuance of Patta. Moreover, the 3rd respondent by a proceedings viz., P.V. 1399/2004/A, dated 30.03.2005 recommended to grant patta to his father. Consequently, a copy of the same forwarded to the first respondent. Thereafter, the petitioner's father was running from pillar to post to get patta, no action has been taken by the respondents. In the meanwhile, his father died intestate on 08.06.2015 leaving behind the petitioner, other sons and daughters as his surviving legal heirs and they are poor farmers and three widowed sisters, rearing some cattle in the said property and the said land was also classified as "Tharisu". Therefore, the petitioner gave a representation dated 09.12.2019 to the respondents 1 to 3 and the same was acknowledged by the respondents, the officials of the Revenue Department have not taken any action on the petitioner's representation. Further more, the officials of the Revenue Department threatened the petitioner to vacate from the aforesaid land. Therefore, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.

3. The learned Government Advocate appearing for the first respondent submitted that filed a counter affidavit states that the first respondent's signature is on the first and last pages but neither his signature nor seal on the page Nos.2 to 4, in which it is stated that the subject lands in S.F.No.131/11 at Sundakumathur Village, measuring to a total extent of 1.76.5 Hectares is classified as Assessed Waste Lands in the Revenue Records. Since the lands are Government Poramboke, these lands along with the adjoining lands measuring to an extent of 39.79 acres were alienated to M/s.C.B.M.Sakunthala Memorial Trust by the Government in G.O. (Ms).No.2567, Revenue Department, dated 16.12.1975 for construction of college buildings. Meanwhile, the father of the petitioner namely deceased Karuppanna Gounder has encroached the subject lands in S.F.No.131/11 measuring to an extent of 0.81.0 hectares for cultivating agricultural crops. Since the encroachment was objectionable, it was treated under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and he was booked B-Memo against the said encroacher to levy the penalty. As stated by the petitioner no tax was paid by his father but it was only levied as penalty for the unauthorized occupation of the Government Poramboke lands and he was an encroacher of the said lands. Hence, the petitioner filed a writ petition in W.P.No.1790 of 1989 for the same



relief and the same was disposed of against the petitioner herein.

4. He further submitted that an Enter Upon Permission to an extent of 1.85 acres of lands in S.F.131/11 was already issued to the Tamil Nadu Slum Clearance Board for the construction of tenements by the first respondent/District Collector, Coimbatore, vide proceedings in Ref.No.3728/2020/B3 dated 14.02.2020 with a view to alienate the said lands under the provisions of the Revenue Standing Order 24. As per the orders possession of the said land was also handed over to the Tamil Nadu Slum Clearance Board on 18.03.2020. Hence, the subject lands are Government Poramboke and the Government now decided to utilize the lands for constructing tenements through Tamil Nadu Slum Clearance Board and distribute the same to a huge number of people for their dwelling needs and it is necessary to evict any kind of encroachments thereon and let the Tamil Nadu Slum Clearance Board to carry out their work without any hindrance and prays for dismissal. In view of the said statements made by the petitioner's claim has been rejected by the Collector in order to pass appropriate orders on his representation.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

6. In view of the above facts and circumstances and having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, the Writ Petition is disposed of with a direction to the respondents 2 and 3 to consider the petitioner's representation dated 09.12.2019 and pass speaking orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

gba

To

1. The District Collector,
Coimbatore Collectorate,
Coimbatore.



2. The District Revenue Officer,
Railway Station Road,
Coimbatore - 641 018.

3. The Tashildar,
Perur Taluk,
Coimbatore District.

+1cc to Mr.B.Manimaran, Advocate SR.No.49724

W.P.No.6730 of 2020
and W.M.P.No.8000 of 2020

AD(CO)
GMY(28/10/2021)