



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.5105 OF 2013

AND

M.P.NOS.1 AND 2 OF 2013

1. C.Ramaswamy (Deceased)
 2. Ramaeammal
 3. R.Balasubramaniam
 4. Nalasivam ... Petitioners
- (P2 to P4 are substituted as LRs
of deceased P1 C.Ramaswamy as per
order dated 06.01.2017)

.Vs.

1. The District Collector,
Erode District.
2. The Tahsildar,
Perundurai,
Erode 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 of the proceedings Na.Ka.11388/2012/A5, dated 28.11.2012 on the file of the second respondent and the consequent proceedings in Na.Ka.36029/2012.Oo4, dated 30.11.2012 on the file of the first respondent and to quash the same as illegal, incompetent and without jurisdiction and to further direct the first respondent to issue patta for the land bearing Door No.135/111 in Re-Survey No.865/2, Erode Road, Perundurai, Erode District.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate



O R D E R

This writ petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings Na.Ka.11388/2012/A5 dated 28.11.2012 on the file of the second respondent and the consequent proceedings in Na.Ka.36029/2012.Oo4, dated 30.11.2012 on the file of the first respondent and to quash the same as illegal, incompetent and without jurisdiction and to further direct the first respondent to issue patta for the land bearing door no.135/111 in Re-Survey No.865/2, Erode Road, Perundurai, Erode District.

2. The case of the petitioners is that the deceased first petitioner was retired from service in the year 2002 and all the family members viz., petitioners 2 to 4 are residing in the premises at 135/111, Erode Road, Perundurai, for the last 45 years. The said land comprising of a total extent of 1.28 acres in R.S.No.865/2. The portion of the land was used as a recreation club in the name "Perundurai Mamamahil Sangam". Therefore, the deceased petitioner had made representation to the first respondent for issuance of patta for the said land. It was not considered and as such, he was constrained to file writ petition in W.P.No.24451 of 2012 and this Court by an order dated 07.09.2012 directed the first respondent to consider the representation dated 16.07.2012 made by the petitioner for issuance of patta within a period of eight weeks from the date of receipt of a copy of the order.

3. Accordingly, the first respondent considered the representation of the petitioner and directed the second respondent to issue patta and accordingly, the second respondent issued Priceless House Site Patta in favour of the second petitioner herein in respect of the land comprised in R.S.No.45/1 - Site No.105 of Vadamugam Vellode Village vide HSD No.161/1422 to an extent of 56 Sq.Mt. However, it was refused to receive by the second petitioner herein and also challenged the same in this writ petition.

4. On perusal of the additional counter affidavit dated 21.02.2017, revealed that to prevent from the grabbing and illegal activities and also from the encroachment, the first respondent ordered to cancel the patta in the name of the Secretary, Manamahil Mandram, Perundurai and resumed the land and ordered to change the classification of the land comprising in R.S.No.685/2 to an extent of 0.52.0 Hectares as Government-Punjai - Assessed Waste by the proceedings dated 06.07.2012. On



the requisition of the local body, it was decided that the above said land is suitable for the construction of Government Office. Accordingly, the proceedings dated 30.08.2012 have been sent to the Principal Secretary and the Commissioner of Land Administration, Chennai for approval. The proposal of the first respondent was approved and subsequently, by an order dated 20.09.2012 allotted the same in favour of the local body.

5. Later, in the year 2013, the subject land was sub-divided as follows:-

Sl. No.	Re-survey no.	Old S.F.No.	Classification	Extent in Hectares	Name of the Pattadar
1)	865/2	128B	Sarkar - poramboke	0.28.5	Executive Officer, Selection Grade Town Panchayat, Perundurai
2)	865/12	128B	Sarkar - Poramboke	0.16.0	Deputy Superintendent of the Police, Perundurai
3)	865/13	128B	Sarkar - Poramboke	0.07.5	Reading room
Total				0.52.0	

6. Accordingly, after sub-division of the respective land was allotted to the respective office and they were granted patta. In fact, the entire construction of the building was also over.

7. That apart, on the request made by the deceased petitioner dated 16.07.2012, as directed by this Court, the first respondent directed the second respondent to allot Priceless House Site Patta and accordingly, the second petitioner was allotted Priceless House Site Patta in the land bearing R.S.No.45/1 - Site No.105 of Vadamugam Vellode Village by proceedings HSD No.161/1422 to an extent of 56 Sq.Mt. It is very nearer to the Kongu Engineering College, Perundurai.

8. Therefore, the claim of the petitioners for issuance of patta in respect of the land comprised in R.S.No.865/2 cannot be considered. Since already the said land was allotted in the



above said manner and the Government Office was already constructed.

9. Therefore, the writ petition is devoid of merits and the same is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Erode District.
2. The Tahsildar,
Perundurai,
Erode District.

+1cc to the Government Pleader, S.R.No.51967

W.P.NO.5105 OF 2013

PVS(CO)
PBS/01/11/2021