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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.12911 of 2021

K.Aruchamy

...Petitioner

Vs.

1.The Tahsildar,  
Coimbatore North,  
Office of the Tahsildar Coimbatore North,  
Coimbatore.

2.The Zonal Deputy Tahsildar,  
Coimbatore North (02) Taluk,  
Coimbatore District.

3.Ramaakanth Padia

4.V.Vijaykumar

5.The District Revenue Officer,  
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to grant patta in favour of the petitioner in S.No.709/3, Kalapatti Village Coimbatore Taluk, now bearing S.No.709/3A admeasuring 10 cents as made vide application No.2021/0103/12/296119 dated 05.05.2021 and to consequently direct the 1<sup>st</sup> respondent to remove the names of the respondent 3 and 4 included fraudulently in Patta Nos.2052 and 3079 respectively as sought vide representation dated 05.05.2021.

For Petitioner .. Mr.N.A.Nissar Ahmed

For Respondents .. Mr.Yogesh Kannadasan  
(Govt.Advocate)

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents namely, Tahsildar, Coimbatore North, Coimbatore and Zonal Deputy Tahsildar, Coimbatore North (02) Taluk, Coimbatore District, to



grant patta in favour of the petitioner with respect to the lands in R.S.No.709/2 and 709/3 now bearing S.No.709/2A and 709/3A measuring 10 cents in Kallapatti Village Coimbatore, for which the petitioner had made an application in A.No.2021/0103/12/296119 dated 05.05.2021.

2.Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned counsel for the 1<sup>st</sup>, 2<sup>nd</sup> and 5<sup>th</sup> respondents.

3.In view of the nature of the order passed, notice is dispensed with for the 3<sup>rd</sup> and 4<sup>th</sup> respondents. It is the claim of the learned counsel for the petitioner that the vendor of the petitioner herein originally had a conditional patta with respect to the said lands. Subsequently, the conditions have been removed and thereafter, the petitioner approached the authorities to grant patta. The petitioner also had an occasion to come before this Court and it is stated that a direction had been passed directing the authorities to grant patta, if the petitioner's records are in order.

4.Thereafter, it had been stated that a suit had been instituted by the legal representatives of the vendor of the petitioner herein. The said suit had also ended, according to the learned counsel for the petitioner, in favour of the petitioner. Now the writ petitioner again seeks for grant of patta.

5.It would only be appropriate that decision to grant patta is left to the wisdom of the 1<sup>st</sup> and 2<sup>nd</sup> respondents. Let them issue notice to the petitioner and also to the 3<sup>rd</sup> and 4<sup>th</sup> respondents. In view of this particular direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents to issue notice to the 3<sup>rd</sup> and 4<sup>th</sup> respondents herein, the notice to the said respondents in the present writ petition is dispensed with. After issuing notice to the petitioner and the 3<sup>rd</sup> and 4<sup>th</sup> respondents, the 1<sup>st</sup> and 2<sup>nd</sup> respondents may enquire into the documents presented by the petitioner, particularly the trace of title with respect to the property and if the documents presented are clear, then take a decision to grant patta. If a decision is taken to reject patta, then reasons for the same may be given as to not only why are they rejecting grant of patta but also why they are rejecting the documents presented by the petitioner herein. The 1<sup>st</sup> and 2<sup>nd</sup> respondents are to complete the said exercise within a period of sixteen weeks from the date of receipt of a copy of this order.



6. With the said observations, the Writ Petition is disposed of. No costs.

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Sd/-  
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,  
Coimbatore North,  
Office of the Tahsildar Coimbatore North,  
Coimbatore.
2. The Zonal Deputy Tahsildar,  
Coimbatore North (02) Taluk,  
Coimbatore District. 5. The District Revenue Officer,  
Coimbatore.
3. The District Revenue Officer,  
Coimbatore.

+1 cc to M/s. N.A. Nissar Ahmed, Advocate Sr.No. 39035  
+1 cc to the Government Pleader, Sr.No. 39402

W.P.No.12911 of 2021

PMK[co]  
NSK 03/09/2021