



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No. 19854 of 2021

Annapoorani

... Petitioner

-Vs-

1. The Additional Chief Secretary,
Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
2. The District Revenue Officer,
Collectorate Buildings,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the recommendations made by the second respondent for grant of patta to the petitioner in SF number 772/2 Natham vacant site situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District within the stipulated time.

For Petitioner	: Mr.N.Umapathi
For Respondents	: Mr.K.M.D.Muhilan, Government Advocate.

O R D E R

This Writ Petition has been filed to direct the first respondent to consider the recommendations made by the second respondent for grant of patta to the petitioner in SF number 772/2, Natham vacant site situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District within the stipulated time.

2. The case of the petitioner is that she is the owner of the property bearing S.F.No.772/2, Natham site to an extent of 625 Sq.ft., situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District. The petitioner is in possession and enjoyment of the said property for more than 80 years, pursuant to the Sale Deed Document No. 754 of 1961 and Release Deed Document No. 2608 of 2010.



3. It is stated that the petitioner has also filed a Civil Suit in O.S.No.542 of 2010 on the file of District Munsif Court, Pollachi seeking for declaration and consequential order of permanent injunction wherein the District Munsif Court, by order dated 28.03.2011 decreed the Suit in favour of the petitioner and thereafter, the petitioner has been in peaceful possession and enjoyment of the said property.

4. It is further stated that the petitioner made an application for issuance of patta and the same has been forwarded to the Sub Collector, Pollachi, since the land is meant for habitation termed as Natham survey and settlement. It appears that Natham survey and settlement was carried out in the State to get the complete records and rights of individual holdings of the Village site and the holdings in Natham. During the course of Natham settlement scheme, the petitioner's name was erroneously omitted to be included, though the petitioner has been in peaceful possession and enjoyment of the property for more than 80 years.

5. Based on the letter issued by the Sub-Collector, Pollachi dated 28.04.2015, the District Revenue Officer had conducted a spot inspection and enquiry and had given a clear finding that the petitioner is in peaceful possession and enjoyment of the said property and has also recommended for grant of Patta by enclosing the deposition of the witness, village records, copy of the Sale Deed, Partition Deed, Encumbrance Certificate and the field inspection report.

6. The District Revenue Officer by letter dated 24.08.2016 forwarded the recommendation to the first respondent and the same is still pending.

7. On going through the proceedings of the Additional chief Secretary/Commissioner of Land Administration, Chepauk, Chennai/ first respondent herein dated 29.06.2015 in Ref.No.K3/14710/2015, it has been found that the Revision Petitions filed against the orders passed by the District Revenue Officer in Natham Settlement Scheme regarding the cases involving the communal lands such as street, pathway, lane, channel, common places, etc., irrespective of classification in the Natham Settlement, the cases involving the lands recorded as "Natham Vacant Site" during the Natham Settlement Scheme and the cases involving the lands recorded as "ryot manai" in the Natham Settlement Scheme, purely as a dispute between two private parties and without any communal claim or utility. The new cases of this category shall be entertained only by the Commissioner of the Land Acquisition and other authorities cannot handle such act of giving pattas to others. It is also seen that in respect



of the Natham vacant land, the authorities namely the Revenue Divisional Officer and District Revenue Officer are not competent to pass orders regarding the Natham vacant site and as far as the Natham Settlement, only the Government, i.e., the Secretary of Land Administration is the competent authority who has got the power to pass appropriate orders. The District Revenue Officer is requested to examine the proposals received from the revenue officials and confirm that they fulfill the criteria in the said Circular No.K3/14710/2015 dated 07.08.2015 and pass appropriate orders.

8. The Additional Chief Secretary, Commissioner of Land Administration, Chepauk is directed to pass appropriate orders on the recommendations within a period of four months from the date of receipt of a copy of this order and also the petitioner to send a fresh representation based on the recommendations

9. With these directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vji / gba

To

1. The Additional Chief Secretary
Commission of Land Administration,
Chennai - 600 005.
2. The District Revenue Officer,
Collectorate Buildings,
Coimbatore.

+1CC to M/s.N.Umapathi, Advocate, Sr.No.47463

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PL (CO)
K.RK. (11.11.2021)