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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18264 of 2021

Mariyappan

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub Collector,
Pollachi, Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 16.08.2021 seeking for grant of Ayan / F Patta in favour of the petitioner in respect of land having an extent of 0.96 acres in S.No.565/19, situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District on the basis of assignment granted by the 2nd respondent dated 28.09.17.

For Petitioner : Mr.B.Nambiselvam

For respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

The petitioner has filed a mandamus to direct the respondents to consider the petitioner's representation dated 16.08.2021 seeking for grant of Ayan / F Patta in favour of the petitioner in respect of land an extent of 0.96 acres in S.No.565/19 situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District on the basis of assignment granted by the second respondent dated 28.09.17.

2.The case of the petitioner is that originally the lands comprised in S.Nos.565/2 and 566/3A2 Puruvipalayam Village, Pollachi Taluk, Coimbatore District having an extent of 91.07 acres which were declared as surplus in the hands of late Gopanna Mandradiyar of Puruvipalayam Village under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling



on Land) Act, 1961. In pursuant to the same, the Assistant Commissioner (Land Reforms), Coimbatore has assigned lands to various persons by his proceedings dated 27.03.1995. As against the said assignment, some other persons whose names were not find place had filed an appeal before the Land Commissioner, Chennai on the ground that they are also cultivating tenants of Zamindar from 1969 and as such notice under Section 10(1) of the Act ought to have been issued to them prior to disposing of the surplus land under Section 18(1) of the Act.

3.The petitioner submits that the Land Commissioner, Chennai in his order dated 14.06.1999, allowed the appeal by setting aside the order of assignment issued by the Assistant Commissioner dated 27.03.1995 and was revised the assignment order by conducting denovo enquiry so that all the cultivating tenants may be allowed 2.00 acres and rest of the land may be equally distributed to other eligible persons as per the Rules.

4.According to the petitioner, as per the allotment order dated 02.03.2007, the petitioner was granted 0.84 acres of land. Thereafter, by proceedings dated 28.09.2017, the second respondent measured and handed over an extent of 0.976 acres of land to the petitioner and other respective allottees and they were also called upon to take the respective 'F' patta which is available on payment of necessary land value.

5.According to the petitioner, he approached the second respondent for making payment towards land value for the land allotted to the petitioner an extent of 0.976 acres in S.No.565/19 and the second respondent by his proceedings dated 28.09.2017, executed an assignment deed in petitioner's favour and assigning the aforesaid land an extent of 0.976 acres in S.N.565/19.

6.According to the petitioner, he is in possession and enjoyment of the above said land. But, till date, the second respondent has not issued Ayan /F patta in spite of expressing his willingness to make payment of land value.

7.According to the petitioner, he has submitted an application to the respondents for the grant of Ayan / F patta in the Public Redressal Grievance Day and the same was acknowledged by the respondent. But, there was no response to the said application submitted by the petitioner. According to the petitioner, once again on 16.08.2021, he has submitted another application to the second respondent through registered post, but no steps have been taken for issuing Ayan / F patta.

8.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.



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9.The learned Government Advocate submits that the authority has passed an order dated 02.03.2007 in M.R.4/656/17-70/E2 in that order, the name of the petitioner viz., Mariyappan stands in Sl.No.85 - 0.841 for the survey number viz., 566/2 situated at Puravipalayam Village, Pollachi Taluk. The learned Government Advocate further submits that the petitioner has not chosen to pay the requisite fee for issuance of Ayan / F patta.

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

11.Whether the petitioner is entitled for grant of Ayan/F patta on the basis of assignment granted by the second respondent or not has to be decided only by the appropriate authorities. Accordingly, considering facts and circumstances of the case without going into the merits of the matter, the petitioner is directed to approach the respondents in person along with the representation dated 16.08.2021 within a period of two weeks from the date of receipt of a copy of this order. If any representation is received from the petitioner within the said period, the respondents shall pass an appropriate order on merits and in accordance with law on the said representation, within a period of four months from thereafter and communicate the same to the petitioner.

12.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub Collector,
Pollachi, Coimbatore District.

+1CC to Mr.B.Nambiselvam, Advocate, SR.No. 44057

+1CC to The Government Pleader, SR.No. 44892

W.P.No.18264 of 2021

PMK(CO)

B.VC (06/10/2021)