



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.18564 OF 2021

Nadhiya

... Petitioner

.Vs.

1. The District Collector,
Coimbatore District,
Coimbatore

2. The Sub Collector,
Pollachi,
Coimbatore District.

... Respondents

PRAYER:-

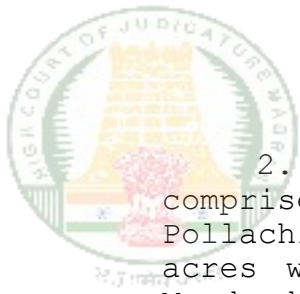
Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.08.2021 seeking for grant of Ayan/F Patta in favour of the petitioner in respect of land having an extent of 0.988 acres in S.No.566/11, situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District on the basis of assignment granted by the 2nd respondent dated 28.09.2017.

For Petitioner : Mr.B.Nambiselvam

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.08.2021 seeking grant of Ayan/F Patta in favour of the petitioner in respect of land having an extent of 0.988 acres in S.No.566/11, situated at Puravipalayam Village, Pollachi Taluk, Coimbatore District on the basis of assignment granted by the 2nd respondent dated 28.09.2017.



2. According to the petitioner, originally, the lands comprised in Survey Nos.565/2Ad 566/3A2 Puruvipalayam Village, Pollachi Taluk, Coimbatore District having an extent of 91.04 acres were declared as 'Surplus' in the hands of late.Gopanna Mandradyar of Puruvipalayam Village under the provisions of the Tamilnadu Land reforms (Fixation of Ceiling on land) Act 1961, in pursuant to the same, the authority has assigned lands to various persons by proceedings dated 27.03.1995. As against the said assignment, other persons had filed an appeal before the Land Commissioner, Chennai on the ground that they are also cultivating tenants of the Zamindar from the year 1969 and as such, notice was issued. The authority by order dated 14.06.1999 allowed the said appeal by setting aside the order of assignment issued by the Assistant commissioner dated 27.03.1995. Further, as per the allotment order dated 02.03.2007, the petitioner was granted 0.85 acres of land, after several long years, by a proceedings dated 28.09.2017, the 2nd respondent measured and handed over an extent of 0.988 acres of land to the petitioner.

3. It is the further case of the petitioner that the petitioner was in possession and enjoyment of the property for the past several years and the 2nd respondent had already passed an order dated 26.02.2018 for issuance of patta and thereafter, the petitioner had submitted a representation dated 23.04.2018 for grant of patta and one more representation dated 16.08.2021, however, the said representations have not been considered by the respondents, hence this petition.

4. The learned counsel for the petitioner would submit that the petitioner is entitled for the grant of Ayan/F Patta in respect of the land, which was under occupation of the petitioner and since there is no response to the application/representation of the petitioner dated 23.04.2018, and 16.08.2021, which was sent through registered post the petitioner prayed to direct the respondents to grant patta to the petitioner by way of this petition.

5. The learned Government Advocate appearing for the respondents, on instructions, has submitted the proceedings passed by the 2nd respondent in Na.Ka.No.901/2016/M1 dated 13.09.2021, which is addressed to him.

6. Heard the learned counsel on either side and perused the documents placed on record.

7. On a perusal of the proceedings passed by the Sub Collector in Na.Ka.No.901/2016/M1 dated 13.09.2021, it is found that the authority had stated that they cannot consider the case of the petitioner, in view of the fact that only on 02.03.2007 conditional patta was assigned in M.R.IV.658/17-70/E2 by the



Assistant Commissioner, Urban Land reforms, Erode and since the possession of the parties were not proper, the Sub Collector, Pollachi had cancelled the same and given a fresh patta in the year 2017. The said patta was also a conditional patta. At present, the petitioner is seeking fresh Iyan Patta on the basis of the conditional patta. Since conditional patta was granted only in the year 2017 and as per the Rules, 20 years have not been completed from the date of issuance of conditional patta, the claim of the petitioner cannot be granted, by stating so, the authority had rejected the claim of the petitioner in the instructions received dated 13.09.2021 in Na.Ka.No.901/2016/M1 dated 13.09.2021.

8. In view of the fact that the Sub Collector, Pollachi, by way of letter in Na.Ka.No.901/2016/M1 dated 13.09.2021 has informed that the claim of the petitioner cannot be considered, this Court is inclined to direct the 2nd respondent to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order by considering the representation of the petitioner dated 16.08.2021 and inform the same to the petitioner by way of Registered post with acknowledgment due. The petitioner shall redress her grievance before the competent forum, if she is so aggrieved.

9. With the aforesaid direction, the present Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Sub Collector,
Pollachi, Coimbatore District.

+1cc to Mr.B.Nambiselvam, Advocate, S.R.No.46712
+1cc to the Government Pleader, S.R.No.47182

W.P.NO.18564 OF 2021

SS(CO)
PBS/06/10/2021