



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21550 of 2021

K.Savithri Ammal

...Petitioner

Vs

1. The District Collector,
O/o. District Collector,
Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore North, Goundanpalayam,
Coimbatore .
3. The Tahsildar,
Coimbatore North
Coimbatore .

...Respondents

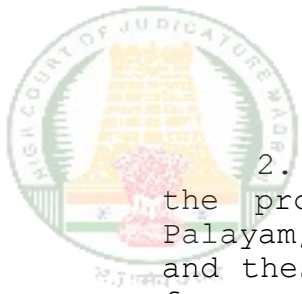
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing 1st respondent to consider and pass orders on the representation dated 14.08.2020 on the basis of the proceedings of the 3rd respondent dated 29.12.2020 pursuant to the 2nd respondent's notice dated 01.10.2020 on merits and as per law within a time to be stipulated by this Court.

For Petitioners : Ms. N.R.Jasmine Padma

For Respondents : Mr.Yogesh Kannadasan
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, direction to the first respondent to consider and pass appropriate orders on the representation of the petitioner dated 14.08.2020 on the basis of the proceedings of the 3rd respondent dated 29.12.2020 pursuant to the 2nd respondent's notice dated 01.10.2020 on merits and in accordance with law within a time to be stipulated by this Court.



2. According to the petitioner, she is the absolute owner of the property situated in Coimbatore District, Periyanaayakkan Palayam, Kurudampalayam Village in S.Nos.399/2, 399/3 & 430/1 and these lands were purchased for a valuable sale consideration from one Mr.Chinnasamy on 17.11.1986 by way of registered Document No.2663 of 1986 on the file of SRO, Periyanaayakkan Palayam. After purchasing the land, he is in possession and enjoyment of the property. Furthermore, certain other portion of the property has been purchased by one Vasuki Trust, by its Chairman Palanisamy, as per the records. During the year 2006, under the guise of land acquisition, to be more precise, terming it as land ceiling, the 1st respondent without recourse to any of the statutory requirement addressed a communication to the petitioner as if the property have been acquired by them. Hence, he sent a representation dated 14.11.2006. Following the same, the trust mentioned supra has filed in W.P.No.11729 of 1998 and on appeal in W.A.No.1156 of 2003, a quietus is said to have been arrived at thereby the lands which were not allowed to be utilized by the petitioner came to be informed that pursuant to the orders in the above cases, the petitioner's lands is liable for being reconveyed through proceedings dated 14.11.2006 in M.R.No.4/631/C2, she was informed that subject to outcome of the result in the above, her lands shall stand reconveyed. Subsequently, as nothing was heard, the petitioner sent a representation dated 14.08.2020 to the respondents, who in turn is said to have forwarded to the 2nd respondent by proceedings in Na.Ka.1383/2020/A4 dated 01.10.2020, pursuant to which 3rd respondent had sought for report from the Revenue Inspector and the Village Administrative Officer concerned which was followed by a Grievance Day Petition to the 1st respondent in No.263 dated 08.02.2021, except for receipt of the above various communications towards initiation of action. More particularly, the 3rd respondent had forwarded a report dated 29.12.2020 stating that some error had crept in and mistake in regard to inclusion of the petitioner's land under the Land Ceiling Act, which on thorough verification and inspection by the competent authority had been held as impermissible for the simple reason that the description of the patta is '0' patta. There was neither intimation of land acquisition proceedings nor any other form of acquisition. Therefore, the petitioner is entitled for appropriate mutation of Revenue Records to the said extent, and absolute possession and enjoyment, despite the same the act of the respondents is tainted with arbitrariness and that of colorable exercise of power and therefore, the petitioner has approached this court seeking appropriate direction.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 14.08.2020 and dispose of the same within a



stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 14.08.2020 on the basis of the proceedings of the 3rd respondent dated 29.12.2020 pursuant to the 2nd respondent's notice dated 01.10.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The District Collector,
O/o. District Collector,
Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore North, Goundanpalayam,
Coimbatore .
3. The Tahsildar,
Coimbatore North
Coimbatore .

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.52146

+1cc to the Government Pleader, S.R.No.52767

W.P.No.21550 of 2021

CB(01/11/2021)