



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.23334 of 2013

and M.P.No.1 of 2013

Venkatesh Kumar

... Petitioner

Vs

1 The District Collector
Coimbatore District, Coimbatore.

2 The District Revenue Officer,
Coimbatore District, Coimbatore.

3.The Revenue Divisional Officer,
Pollachi Taluk, Coimbatore District.

4 The Tahsildar,
Pollachi Taluk, Coimbatore District.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records pertaining to the proceedings of the first respondent in Na.Ka.No.10992/2013/A2 dated 31.07.2013 and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr. P.Wilson, Senior Counsel
For Mr.Ma.Pa.Thangavel

For Respondents : Mr. Yogesh Kannadasan, SGP

ORDER

This writ petition is filed seeking to quash the proceedings of the first respondent in Na.Ka.No.10992/2013/A2 dated 31.07.2013.

2. The case of the petitioner is that the petitioner purchased the property on 05.02.2009 from one Muthammal @ Muthulakshmi and after the purchase, the petitioner invested huge money and developed the property. After lapse of four year, the first respondent herein, vide proceeding dated 31.07.2013, cancelled the assignment patta in favour of the petitioner. Challenging the said order, the present writ petition has been filed.



3. Learned counsel for the petitioner submitted that the first respondent failed to note that the assignment was made in the year 1924. it was purchased by one Muthammal @ Muthulakshmi in the year 2006 from the legal heirs of the original beneficiary. Thereafter, the petitioner had purchased the same in the year 2009. In the year 2013, the respondents suo moto, passed an order cancelling the patta and to resume the lands to the Government and the respondents have no power to take decision in this matter, only the Commissioner of Land Administration is having power to take action on any violation of condition. Hence, the impugned order passed by the first respondent has to be quashed and to allow the writ petition.

4. Learned Special Government Pleader appearing on behalf of the respondents submitted that since the land was originally assigned to the depressed class community people, the petitioner is belonging to non-depressed class community and the petitioner cannot purchase the said property as it was a condition patta, which was issued during the year 1924. Therefore, the respondent have rightly cancelled the patta, which does not warrant any interference of this Court.

5. Heard, the learned counsel for the petitioner, as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. Admittedly, the first respondent in his suo motu proceeding cancelled the patta. Against which, there is an effective alternative remedy available before the Commissioner of Land Administration. In view of the above, this Court, without going into the merits of the case, permits the petitioner to file appeal before the Commissioner of Land Administration within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such appeal, the Commissioner shall pass orders as expeditiously as possible. In the meantime, the respondents are directed not to interfere with the petitioner's possession for a period of four weeks i.e. till the filing of appeal.

7. With the above direction, this writ petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CSIII)

True Copy

Sub-Assistant Registrar



To

- 1 The District Collector
Coimbatore District, Coimbatore.
- 2 The District Revenue Officer,
Coimbatore District, Coimbatore.
- 3.The Revenue Divisional Officer,
Pollachi Taluk, Coimbatore District.
- 4 The Tahsildar,
Pollachi Taluk, Coimbatore District.
- 5.The Commissioner of Land Administration
Coimbatore.
- +1 cc to Mr.Ma.P.Thangavel Advocate sr30784
+1 cc to Government Pleader sr31008

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aa09/06/2022