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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5697 of 2020

Sebastian Raj ... Petitioner

Vs

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.
4. The Tahsildar,
Tiruppur North Taluk,
Tiruppur North,
Tiruppur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue assignment patta to the petitioner's house and land situated in S.Nos.658/32, 33 and 34, Thottipalayam Village, Tiruppur Taluk, Coimbatore District (now Tiruppur District), (Ward K.Block No.48, T.S.Nos.17/2 and 22) to the extent of 2,314 sq.ft by receiving Rs.502/- per sq.ft.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

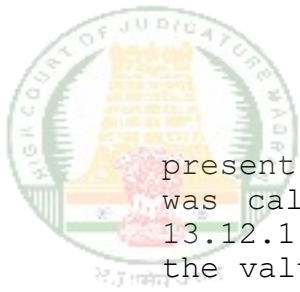
This writ petition is filed to issue a Writ of Mandamus to direct the respondents to issue "assignment patta" to the petitioner's house and land comprised in S.Nos.658/32, 33 and 34, situated at Thottipalayam Village, Tiruppur Taluk, Coimbatore District (now Tiruppur District), (Ward K.Block



No.48, T.S.Nos.17/2 and 22) of an extent of 2,314 sq.ft by receiving Rs.502/- per sq.ft.

2. The case of the petitioner is that the petitioner's father was working in Military Service and after demise of his father, the Government of Tamil Nadu issued G.O.Ms.No.116, Revenue Department, dated 05.03.2004 for "assignment of land" along with other 21 Ex-Servicemen families comprised in S.Nos.658/32, 33 and 34, situated at Thottipalayam Village, Tiruppur Taluk, Coimbatore District (now Tiruppur District). Thereafter, they occupied and constructed their respective houses and residing there and they made request to assign the land in favour of them and also sought for issuance of Patta. On such request, one of Ex-Servicemen, was assigned the subject land, after receipt of the land value. Likewise, the petitioner's father was also willing to pay the cost of the land and requested for assignment of his land. In this regard, the Commissioner for Revenue Administration made recommendation to the Government and in turn, the Government issued G.O.Ms.No.116, Revenue Department, dated 05.03.2004 for issuing "assignment" to 22 Ex-Servicemen, after receipt of the market value of Rs.200/- per sq.ft and they have to pay interest also at the rate of 12% or market value of the said land, based on the conditions stipulated by the Government in the said G.O. The Ex-Servicemen could not pay such huge amount for getting "assignment patta" from the respondents based on the said G.O. In the meanwhile, one Palanisamy, the Ex-Servicemen received Patta from the Revenue Department, without paying any amount and on the other hand, the petitioner's mother, while she was alive, made representation and was issued order in his proceedings Na.Ka.4999/2001/B3, dated 08.01.2006 asking her to pay Rs.9,67,252/- for "assignment patta", but since her mother could not mobilize such huge amount, no "assignment" of patta was issued in her favour. Subsequently, the petitioner approached the respondents for issuance of Patta. On receipt of such request, the respondents directed the petitioner to pay a sum of Rs.47.50 lakhs as per G.O.Ms.No.116, Revenue Department, dated 05.03.2004, thereby interest was calculated thereon @ 12% from the date of above said G.O. However, it is stated by the learned counsel for the petitioner is ready and willing to pay the present guideline value for the "assignment" of Patta in respect of his land.

3. On a perusal of the counter affidavit, it reveals that, on receipt of the request made by the petitioner, the fourth respondent made recommendation to the third respondent stating that the market value for the property in question, is higher than the guideline value, after calculating the value as per G.O.Ms.No.907, Revenue Department dated 13.12.1994, the value is fixed at Rs.47,27,067/- which is higher than that of



present guideline value. Accordingly, the value of the property was calculated as per G.O.Ms.No.907, Revenue Department, dated 13.12.1994 and the present value is fixed at Rs.47,27,067/- as the value of the of the subject property.

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4. However, it is stated by the learned counsel for the petitioner that the petitioner is ready and willing to pay the amount for assignment of his land based on the market value of the property.

5. In view of the above facts and circumstances and also taking into consideration the fact that the petitioner is ready to pay necessary amount based on the present market value of the subject properties, in relation to the G.O in force, the first respondent is directed to consider the request made by the petitioner with regard to issuance of "assignment" of Patta, after issuance of notice to the petitioner and counter parties, if any and after giving an opportunity of hearing to them, the first respondent is directed to pass orders in the light of the G.O in force and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.



4. The Tahsildar,
Tiruppur North Taluk,
Tiruppur North,
Tiruppur District.

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+1cc to the Government Pleader, S.R.No.4300

W.P.No.5697 of 2020

GSM(CO)
SU(10/03/2022)