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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14196 of 2016

M. Arasu

. . . Petitioner

Vs.

1. The Secretary to Government,
Department of Housing and Urban Development,
Fort St.George,
Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The District Collector,
Coimbatore District.
4. The Tahsildar,
Kalapatti Village,
Coimbatore.
5. The Inspector General of Registration,
Santhome High Road,
Santhome, Mylapore,
Chennai-600 028.
6. The Commissioner,
Coimbatore Corporation,
Coimbatore.
7. The Commissioner of Police,
Coimbatore District.
8. B.Nandakumar. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ in the nature of Writ of Mandamus directing the 4th Respondent to grant patta to the petitioner's property plot No.C-A situated at Kalapatti Village, Coimbatore Taluk,



comprised in S.No.311/1, 312/2 (Part) within the Sub-Registration District of Gandhipuram and Registration District of Coimbatore measuring an extent of 3846 Sq.Ft.

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For Petitioner : M/s. S. Thiruvengadam

For Respondents: Mr. Yogesh Kannadasan,

Special Government Pleader for R1 to R5.

: M/s. K. Magesh,

Standing Counsel for R6.

O R D E R

The present petition has been filed seeking a direction to the 4th Respondent/Tahsildar to grant Patta to the petitioner's property.

2. The case of the petitioner is that he is the owner of the property measuring to an extent of 3846 S1.Ft., beng Plot No.CA at Kalapatti Village, Coimbatore Taluk, comprised in S.No.311/1, which was purchased from the 8th respondent vide the registered sale deed dated 18.10.2007. Subsequent to his purchase, he applied for patta to the Coimbatore Corporation, to mutate the Revenue Records in his favour. To his shock and surprise, the petitioner was informed by the Assistant Commissioner, that the above said property is reserved for public purpose . In such circumstances, the petitioner approached the concerned authorities under the RTI Act, as to whether the disputed land has been given to Corporation by way of Gift Deed. Thereafter, the petitioner was informed by the Public Information Officer, East Zone, Coimbatore Corporation that they have not received any layout or approval in DTCP No.1397/ 89 and also the approval was granted by the Executive Officer in DTCP No.390/1993/A2 dated 23.06.1993. Therefore, the petitioner made a representation to the Tahsildar for obtaining patta and the same has not been considered by the 4th respondent. Hence, the present writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that the petitioner is being the owner of the property, her representation has not been considered by the 4th respondent. Therefore, he prays that it would suffice if this Court permits the petitioner to make a



fresh representation and consequential direction to the 4th respondent to consider the petitioner's fresh representation and pass orders on the same, within the stipulated time fixed by this Court.

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4. The learned counsel appearing for the 6th respondent/ the Commissioner submitted that the disputed property is earmarked for public purpose and therefore, no Patta can be granted in favour of the petitioner. Hence, he prayed for dismissal of the petition.

5. In view of the aforesaid submissions, the petitioner claims that he is the owner of the property as per the registered sale deed vide Document No.6332/2007 dated 18.10.2007 on the file of Sub Registrar Office, Gandhipuram, Coimbatore. Considering the limited scope of the prayer sought by the petitioner, this Court permits the petitioner to make a fresh representation before the 4th respondent/ Tahsildar within a period of four weeks from the date of receipt of a copy of this order. On receipt of such fresh representation, the same shall be considered by the 4th respondent/Tahsildar and pass appropriate orders, on merits and in accordance with law after hearing the 6th respondent as expeditiously as possible.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary to Government,
Department of Housing and Urban Development,
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Chennai-600 009.
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3. The District Collector,
Coimbatore District.

4. The Tahsildar,
Kalapatti Village,
Coimbatore.

5. The Inspector General of Registration,
Santhome High Road,
Santhome, Mylapore,
Chennai-600 028.

6. The Commissioner,
Coimbatore Corporation,
Coimbatore.

7. The Commissioner of Police,
Coimbatore District.

+1cc to M/s.K.Magesh, Advocate, S.R.No.36483

+1cc to M/s.S.Thiruvengadam, Advocate, S.R.No.36648

+1cc to the Government Pleader, S.R.No.37418

W.P.No.14196 of 2016

JP-II (CO)
UMA (07/07/2022)