



W.P.No.31479 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.31479 of 2022
and W.M.P.No.30943 of 2022

Prasath @ Sitharthan

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Pincode – 641 018.

2.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

3.The Sub-Registrar,
Mettupalayam,
Coimbatore – 641 301.

4.S.Thiagarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 03.07.2021 and vide N.M. No.1368/2021/A2 and quash the same as illegal and for a consequential direction directing



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the 1st respondent to assign the scheduled property to the 120 persons as mentioned in the representation dated 18.10.2021.

For Petitioner : Ms.S.Deepika

For Respondents : Mr.U.Bharanidharan for RR1 to 3
Additional Government Pleader

ORDER

This Writ Petition have been filed by the petitioner to call for the records of the 1st respondent dated 03.07.2021 and vide N.M. No.1368/2021/A2 and quash the same as illegal and for a consequential direction directing the 1st respondent to assign the scheduled property to the 120 persons as mentioned in the representation dated 18.10.2021.

2.Since, no adverse order is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

3.The case of the petitioner is that the land in dispute, classified as 'Panchami land' and the same is assigned originally for the welfare of the depressed class people granted with conditional patta. Therefore, the conditional patta issued shall not be converted to 'Ayan Patta'. While so,



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the said 'Panchami land' was assigned in favour of one Nanjan after the demise of the said Nanjan, the said property was inherited by one Subramani son of Nanjan leaving behind the other female children and family and created a family document registered in the year 2011, thereby, Subramani alienated the same in faovur of his wife Maheshwari vide registered Doc.No.15735 of 2011 dated 14.12.2011. So, that Subramnai can convert/ change the Conditional Patta into Ayan Patta. Thereafter, the 2nd respondent vide his order dated 03.07.2021 illegally converted the Conditional Patta as an Ayan Patta, suppressing the fact that the above said land is a Panchami land and based on the above order of the 2nd respondent a Sale Deed Doc.No.5735 of 2021 dated 12.07.2021, Maheshwari alienated the property to above said property to the 4th respondent, the petitioner objected for the same. However, without considering the same, the patta which was granted in favour of Maheshwari is not sustainable one. Challenging the same, the present Writ Petition has been filed.

4.Learned counsel appearing for the petitioner would submit that originally the land is assigned in favour of one Nanjan after the demise of



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the said Nanjan the said property was acquired by one Subramani, son of Nanjan. Thereafter, the said Subramani alienated the same in favour of his wife Maheshwari and the same was objected by the petitioner since, the Maheshwari alienated the property to the 4th respondent. However, without considering the same, the patta was granted in favour of Maheshwari, which is not a sustainable one. Accordingly, she prayed for appropriate orders.

5.On the above said submissions, heard the learned Additional Government Pleader appearing for the respondents 1 to 3.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, the land in S.No.583/1B measuring to an extent of 1.68.0 hectare was assigned in favour of one Nanjan son of Maran on 02.11.1967. The said Nanjan



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passed away on 28.05.1987. Thereafter the said property was inherited by Subramani and his sons. Thereafter, Subramani and his sons alienated the aforesaid property in favour of his wife Maheshwari. Thereafter, Maheshwari made an application to the 2nd respondent and the 2nd respondent vide his order dated 03.07.2021 mutated the Revenue Records in favour of Maheshwari. The petitioner's claim is in a public interest and in no way connected to the subject matter of the property in the present Writ Petition. Challenging the mutation of revenue records in favour of Maheshwari, the petitioner who has objected to the same has no right to challenge the same before this Court and hence, the prayer sought for in this Writ Petition cannot be granted.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
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M.DHANDAPANI, J.

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