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W.P.No.21312 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21312 of 2023
and W.M.P.No.20710 of 2023

Amsa Bakiyam

...Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Collector Office Compound,
Coimbatore – 641 001.
- 2.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax,
Collector Office Compound,
Coimbatore – 641 001.
- 3.The Village Administrative Officer,
Malumichampatti, Coimbatore – 641 050.
- 4.The Tahsildar,
The Madukkarai Taluk Office,
Madukkarai, Coimbatore – 641 105.
- 5.Malumichampatti Panchayat,
Rep. by its Secretary,
Panchayat Office,
Malumichampatti Village,
Madukkarai Taluk,
Coimbatore.

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue a patta in favour of the petitioner in relation to the property situated at Site No.32, comprised in S.F.No.416/1, New S.F.No.416/1A of Malumichampatti Village, Sub-Registrar Office, Madukkarai, Coimbatore measuring an extent of 2388 sq.ft.

For Petitioner	: Mr.K.R.Arun Shabari
For R1 to R4	: Mr.P.Sanjay Gandhi Government Advocate
For R5	: Mr.C.Jayaprakash Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to issue patta in favour of the petitioner in relation to the property situated at Site No.32, comprised in S.F.No.416/1, New S.F.No.416/1A of Malumichampatti Village, Sub-Registrar Office, Madukkarai, Coimbatore measuring to an extent of 2388 sq.ft.

2.The petitioner states that she is the absolute owner of the subject property acquired through sale deed dated 06.04.1995 bearing Document



No.898/1995. The petitioner submitted an application for grant of patta. The said application was not considered and the request of the petitioner to furnish documents under the Right to Information Act also has not been considered by the authority. Thus, the petitioner has chosen to file the present writ petition.

3.The learned counsel for the petitioner mainly contended that the vendor to the petitioner was holding title over the property and the petitioner is in possession of all relevant document and the authorities without considering any of the documents have not issued patta and therefore, the petitioner is constrained to move the present writ petition.

4.The learned Government Advocate appearing on behalf of the respondents raised an objection by stating that the subject property is falling under the Land Reforms Act. The petitioner is not entitled for title over the subject property since the land is vested with the Government under the provisions of the Land Reforms Act even before the year 1970. The subject property is a valuable property and the petitioner is attempting to grab the Government property and considering the facts and by scrutinizing the



revenue records, the authorities have not considered the case of the writ petitioner for grant of patta.

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5.If at all the petitioner claims title or ownership, she has to approach the competent civil court of law. As far as the respondents are concerned, if the land vests with the Government, then all appropriate actions are to be initiated to resume the land by following the procedures as contemplated under the relevant statutes and rules in force. However, such disputed facts relating to title cannot be considered nor the claim of the petitioner for grant of patta can be considered by this Court in the present writ petition. Once the title is disputed, the parties are to be relegated to approach the competent civil court of law and thus, the petitioner is at liberty to do so.

6.With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.08.2023

cse
Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-Speaking Order



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