



W.P.No.27736 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06 .11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.27736 of 2023

and

W.M.P.No.27224 of 2023

M.Krishnakumar

... Petitioner

Vs.

1. The District Collector,
Coimbatore District Collectorate,
Coimbatore – 641 018.
 2. The District Revenue Officer,
District Revenue Office,
Coimbatore.
 3. The Tahsildar,
Sulur Taluk Office,
Sulur, Coimbatore – 641 402.
 4. The Secretary/Muthavalli,
Sulur Sunnath Jamath Mosque,
Sulur,
Coimbatore – 641 402.
- Respondents

...



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or direction in the nature of writ calling for the records relating to the impugned order dated 30.01.2023 passed by the first respondent vide Ref.No.Na.Ka.No.23959/2020/A2 and quash the same and consequently direct the respondents herein to allot the land comprised in Survey No.422/15, Sulur Village, Sulur Taluk, Coimbatore District to the petitioner herein, who earlier occupied the said land within the time to be stipulated by this Court and pass further other orders.

For Petitioner	: Mr.R.Bharath Kumar
For R1 to R3	: Mr.P.Gurunathan Additional Government Pleader
For R4	: Mr.N.A.Nissar Ahmed Senior Advocate

ORDER

This Writ Petition has been filed to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.01.2023 passed by the first respondent vide Ref.No. Na.Ka.No.23959/2020/A2 and to quash the same and consequently direct the respondents herein to allot the land comprised in Survey No.422/15, Sulur Village, Sulur Taluk, Coimbatore District to the petitioner herein, who earlier occupied the said land.



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2. Learned counsel for the petitioner submitted that the petitioner and their family members had lived in a portion of the Government vacant poramboke land situated in Survey No.422/15 about 23 years. Since the Government has proposed to construct a Sub Treasury Office in the abovesaid vacant land, the respondents asked the petitioner to vacate and hand over the possession of the subject property. On the assurance made by the respondents that alternate land will be allotted to the petitioner, he vacated the land. In the mean time, the Sular Sunnath Jamad Mosque members falsely made an application before the first respondent claiming that the said vacant land in S.No.422/15 belongs to the mosque. The first respondent, without conducting an enquiry, passed the impugned order, thereby cancelling the allotment order for the construction of Sular Sub Treasury and wrongfully declared that the said land in S.No.422/15 belongs to the Mosque.

3. Learned Additional Government Pleader appearing for the official respondents submitted that unless the petitioner has any right over the land in question, he cannot file a writ petition. Further the



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petitioner himself has admitted in his affidavit that he is not in the possession of the property and that the vacant land belongs to the Government. The petitioner has no right or title over the property and therefore, he has no *locus standi* to file the writ petition. Hence the writ petition is not maintainable and the same may be dismissed.

4. In the order dated 29.01.1982, the second respondent has stated that the petitioner is in possession and occupation of the land in question. On the request made by the Government, the petitioner vacated his land under the impression that the first respondent would construct a treasury office in the vacant Government poramboke land. The first respondent has also approved the proposal for the construction of Treasury Office in S.No.422/15. Now, the respondents have stated that the said vacant land belongs to Sular Sunnath Jamad Mosque, which is against the earlier finding given by the second respondent. Hence, the impugned order dated 30.01.2023 passed by the first respondent vide Ref.No. Na.Ka.No.23959/2020/A2 is set aside. The first respondent is directed to give notice to the writ petitioner and the private respondents and after



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giving opportunity to them and decide the matter in accordance with law.

The abovesaid exercise shall be completed within a period of three months from the date of receipt of copy of this order.

5. With the abovesaid direction, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

06.11.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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P.VELMURUGAN, J.

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