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WP.No.16395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **26.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.16395 of 2024

M.Karvarnan

.. Petitioner

Versus

1. The District Collector
Salem District, Salem – 636 001.
2. The Tahsildar,
Salem Taluk, Salem – 636 001.
3. The Assistant Commissioner,
Urban Land Ceiling, Erode – 638 001.
4. The Principal Commissioner & Commissioner
of Land Reforms, Chepauk, Chennai – 600 005. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue patta in the name of the petitioner for Plot No. 5 to the extent of 1590 Sq.ft in SF.No 422/1, Ammapet Village, Salem Taluk, Salem District by considering the representation of the petitioner herein dated 14.06.2023 and pass orders on the same within a reasonable time as fixed by this Court.



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For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed to direct the respondents to issue patta in the name of the petitioner for Plot No.5 to the extent of 1590 Sq.ft in SF.No 422/1, Ammapet Village, Salem Taluk, Salem District by considering the representation of the petitioner herein dated 14.06.2023 and pass orders on the same within a reasonable time as fixed by this Court.

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

3. It is the case of the petitioner that an extent 1.10 acres of land in S.F.No.422/1 in Ammapet Village was originally sold by one Govindasamy in favour of one Premavathy in the year 1985. Thereafter, the said Pamavathy has settled the property in favour of her son S.Sugumar by way a registered settlement deed dated 28.08.1991. Subsequently, the petitioner purchased the said property on 30.06.2008 vide document bearing No.2874 of 2008 and he



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has also put up a house and living there with his family. It is his further contention that the proceedings has been initiated under section 9[5] of the Tamilnadu Urban Land [Ceiling and Regulation] Act, 1978 in the year 1996 and the same has been quashed by his Court dated 03.01.2006 in the Writ Petition in W.P.No.10611 of 1997. Thereafter, the petitioner gave a representation to the fourth respondent on 30.11.2009 for issuance patta. However, it was rejected on the ground that the land has been classified as 'Government Excess Poromboke Land'. As against which the petitioner has also filed a Writ Petition in W.P.No.807 of 2012 and the said writ petition was allowed and the second respondent therein was directed to issue patta in favour of the petitioner. Even after the said Order, patta has not been issued to the petitioner. Hence, the present Writ Petition.

The counter has been filed by the third respondent admitting the quashing of entire proceeding in a Writ Petition No.10611 of 1997 and other Writ Petition in W.P.No.807 of 2012. According to them, based on the Orders of the Court, the third respondent has sent a letter on 12.06.2023 to the fourth respondent for further clarification and a letter has also been sent to the Government for necessary Orders.

The learned Special Government Pleader on instructions would submit that a Government Order has also been passed in G.O.Ms.No.244



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dated 24.05.2023 to issue patta to plot No.24 as per the Order of this Court.

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As it is not disputed the quashing of the acquisition proceedings in respect of survey No.422/1A, and the earlier Writ Petition filed by the petitioner in W.P.No.10611 of 1997 has been allowed and the authorities are directed to issue patta, which has not been complied and Government Order has already been passed in favour of other persons, this Court is of the view that it is suffice, if a direction is given to the fourth respondent to pass appropriate Orders directing the authorities concerned to issue patta to the petitioner. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this Order.

5. With the above direction, this Writ Petition is disposed of. No costs.

26.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The District Collector
Salem District, Salem – 636 001.

<https://www.mhc.tn.gov.in/judis>



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2. The Tahsildar,
Salem Taluk, Salem – 636 001.

3. The Assistant Commissioner,
Urban Land Ceiling, Erode – 638 001.

4. The Principal Commissioner & Commissioner
of Land Reforms, Chepauk, Chennai – 600 005.



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N. SATHISH KUMAR, J.

VRC

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