



W.P.No.28802 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.28802 of 2024

Esthar Samboornam

... Petitioner

Vs.

1.State Rep. by
The District Collector,
Coimbatore District, Coimbatore.

2.The Revenue Divisional Officer
Goundampalayam, Coimbatore North,
Coimbatore And District.

3.The Tahsildar
Mettupalayam Taluk,
Sirumugai Road, Mettupalayam,
Coimbatore District.

4.The Secretary,
Alatti Vachinampalayam Land Colonization Society,
Chikkadasampalayam Village,
Mettupalayam Taluk, Coimbatore District

...Respondent

(R-4 is impleaded by order of this Court dated 15.11.2024 made in W.M.P.No.33774 of 2024 in W.P.No.28802 of 2024 by PTAJ)

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the 1st Respondent



to consider the Petitioners representation dated 04.03.2024 which was sent, to issue patta in favour of the petitioner and her elders for the property in S.Nos.938/2A, 939/1B and 940/4 with an extent of 4.48 acres situated at Chikkadasampalayam village, Mettupalayam Taluk, Coimbatore district in the light of G.O.Ms. Nos.255, dated 02-11-1993 and 508 dated 16-11-2004 within a stipulated period.

For Petitioner : M/s.R.Prabudoss

For Respondents : M/s.A.Selvendran, Special GP
for R.1 to R.3.

ORDER

The above writ petition is filed for the following reliefs:-

“ to direct the 1st Respondent to consider the Petitioners representation dated 04.03.2024 which was sent, to issue patta in favour of the petitioner and her elders for the property in S.Nos.938/2A, 939/1B and 940/4 with an extent of 4.48 acres situated at Chikkadasampalayam village, Mettupalayam Taluk, Coimbatore District in the light of G.O.Ms.Nos.255, dated 02-11-1993 and 508 dated 16-11-2004 within a stipulated



period.”

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2. The petitioner would submit that the land measuring a large extent of 191.78 acres comprised in various survey numbers of the aforesaid village was assigned in favour of the Alatti Vachinamalalayal Land Colonization Society by the Tamilnadu Government in its order dated 14.09.1953 free of cost. Out of which, an extent of 180 acres was allotted for cultivation and an extent of 11.78 acres was allotted for house sites and common amenities. On 11.12.1967, the Deputy Registrar, Cooperative Societies had allotted the lands to 41 members which included the petitioner's father. The members who were allotted the lands took possession of the same and were in enjoyment of the land to an extent of 4.48 acres.

3. Meanwhile, the said society had became defunct and was dissolved. The petitioner's father and others made representations for the issuance of patta. As there was no action, several writ petitions were filed by the members of the society in W.P.Nos.1716, 1721 and 1722 of 1996. By order dated 19.12.2001, this Court had directed the District Collector to consider and pass orders on the representations. There was no response to



the same. Therefore, yet another member of the said society had filed W.P.No.7815 of 2012 which was also ordered by this Court on 27.03.2010 with a direction to the District Collector to consider and pass orders on the representation in the light of Go.Ms.No.255 dated 02.11.1993 and 508 dated 16.11.2004. This was also kept pending.

4. On 20.04.2009, the petitioner's father had died leaving behind him the petitioner and her siblings. The petitioner would state that right from the date of its allotment the petitioner's father has been in continuous possession and enjoyment of the land without any hindrance. Therefore, on 04.03.2024, the petitioner had made a representation in person to the 3rd respondent requesting the issue of patta in favour of the partitioner and her siblings. However, this representation has also been kept pending without consideration. Therefore, on 24.08.2024 she had sent a representation by post to the 1st respondent. Though the said representation was received by the 1st respondent, the same has not been considered to date. Therefore, the present writ petition.

5. Heard the counsels on either side.



W.P.No.28802 of 2024

6. A mere perusal of the affidavit and the documents would clearly show that the respondents have shown scant respect to earlier orders passed by this Court which directed that the representation be considered on merits. The second of the orders was with a specific direction that the representation be considered in the light of the Government Order issued, namely, GO.Ms.No.255 dated 02.11.1993 and GO.Ms.No.508 dated 16.11.2004. Even this direction has been observed in the breach. The conduct of the respondents is contemptuous. However, considering the fact that the petitioner has once again sought the very same mandamus, a direction is issued to the 3rd respondent to consider the representation of the petitioner dated 04.03.2024 and pass orders within a period of 6 weeks from the date of receipt of a copy of this Order. The 3rd respondent shall dispose of the above representation in the light of the aforesaid two Government Orders. No costs.

7. With the above directions, the Writ Petition is allowed. No costs.

15.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No



W.P.No.28802 of 2024

Neutral Citation : Yes/No

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To

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W.P.No.28802 of 2024

P.T. ASHA. J.,

(shr)

W.P.No.28802 of 2024

15.11.2024

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W.P.No.28802 of 2024