



W.P.No.29290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29290 of 2024

K.Leelavathi

... Petitioner

VS.

1.The District Revenue Officer,
District Collector Office Complex,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore South Taluk, Coimbatore.

3.The Tahsildar,
Perur, Coimbatore South Taluk, Coimbatore.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent relating to the impugned proceedings vide Na.Ka.No.18261/2020/aa1 dated 19.07.2024 and to quash the same and consequently direct the 3rd respondent to issue patta for the petitioner's land in Survey No.620/1 measuring about 35 cents situated at Vadavalli Village, Perur Taluk, Coimbatore District.

For Petitioner : Mr.B.Thirumalai

For Respondents : Mr.S.J.Sathik Mohamed
Government Advocate



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ORDER

WEB COPY Aggrieved by the order passed by the 1st respondent in Na.Ka.No.18261/2020/aa1, dated 19.07.2024 affirming the order passed by respondents 2 and 3 negating the request of the petitioner to issue of patta for the land measuring an extent of 35 cents situated in Survey No.620/1, Vadavalli Village, Perur Taluk, Coimbatore District, the petitioner has come before this Court.

2. It is the case of the petitioner that the above mentioned property was purchased by her under a registered Sale Deed dated 30.03.1995 vide Document No.3420 of 1995 from Arumugam and others.

3. The respondents herein made an attempt to resume the subject property on the ground that it was sold in violation of assignment conditions. Therefore, the petitioner filed a civil suit in O.S.No.992 of 2007 on the file of the IV Additional District Munsif, Coimbatore, against the respondents seeking declaration of her title and injunction restraining the respondents from any way disturbing the petitioner's enjoyment. The said suit was decreed after contest.



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4. A perusal of the judgment passed by the Civil Court would suggest that there was a finding by the Civil Court that subject property was not a conditionally assigned land and cancellation of assignment in favour of the beneficiary was not done by following due process of law. The Civil Court decree's was passed as early as 17th September, 2011.

5. The learned Government Advocate appearing for the respondents is unable to give any particulars regarding the appeal filed by the respondents challenging the Civil Court order. Therefore, the finding of the Civil Court upholding the title of the petitioner had attained finality.

6. Based on the Civil Court's decree in her favour, the petitioner submitted a representation before the respondents seeking issue of patta in respect of the property purchased by her, the same has been rejected by the 3rd respondent. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent and the same was also dismissed. Hence, the petitioner preferred a revision before the 1st respondent and the same was dismissed by impugned order.



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7. In the impugned order, the 1st respondent without taking into consideration the civil court's decree which had attained finality, erroneously held that the petitioner purchased property violating the assignment conditions and hence, the request of the petitioner for grant of patta cannot be considered. The 1st respondent also observed that in view of the violation of the assignment conditions, the subject property was resumed and classified as a 'Government Poramboke'. It was also observed by the 1st respondent that 1 acre and 57 cents of land in Survey No.620/1 was resumed on the ground that the said property was alienated violating the assignment conditions and subsequently, classified as Government Poramboke.

8. As mentioned earlier, the Civil Court had given a finding that the subject property was not a conditionally assigned land and cancellation of assignment was also done without following due process of law. Ultimately, the petitioner's title in respect of 35 cents of land purchased by her in Survey No.620/1 was declared and respondents were enjoined from interfering with her possession. The respondents have not filed any appeal and civil court's finding had attained finality.



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9. In such circumstances, the impugned order passed by the 1st respondent is a clear violation by the judgment and decree passed by the Civil Court and hence, the same is quashed. The matter is remanded back to the file of 1st respondent with a direction to consider the request of the petitioner to issue patta in respect of 35 cents in S.No.620/1 on the basis of Civil Court's judgment and decree passed in O.S.No.992 of 2007 on the file of the IVth Additional District Munsif, Coimbatore, declaring the petitioner's title dated 30.03.1995. The 1st respondent shall pass final orders based on the Civil Court's decree within a period of eight weeks from the date of receipt of copy of this order.

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

22.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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