



W.P.No.33901 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33901 of 2024

K.Sampath

...Petitioner

Vs.

1.The District Collector
Office of the District Collector,
Tiruppur District.

2.The District Revenue Officer
Office of District Revenue Officer,
Tiruppur District.

3.The Revenue Divisional Officer
Office of Revenue Divisional Officer,
Tiruppur District.

4.The Tahsildar
Tiruppur Taluk,
Office of the Tahsilar,
Tiruppur District.



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5.The Divisional Manager
Southern Railway,
Salem Division.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondents to grant patta in respect of the property bearing T.S.No. 335/ 8/2, New TS.No. 335/6/2, Door no.1/26, New Door No.2/26, Harvey Road, Poombuhar Nagar, Thottipalayam Village, Tiruppur, admeasuring 2128 sq. ft and about 2200 sq. ft in T.S.No. 335/8/2, New TS No.335/6/2, New Block No.6, New Ward No.20, Tiruppur Circle, Tiruppur District, as sought for representation dated 27.09.2024

For Petitioner : Mr. I.Kowser Nissar

For Respondents : Mr. G.Velu
Additional Government Pleader.

ORDER

The petitioner would submit that the property measuring 2128 sq.ft., comprised in T.S.No.335/8/2, New.TS.No.335/6/2, Patta No.127, Door No.1/26, New Door No.2/26, Harvey Road, Poombuhar Nagar, Thottipalayam Village, Tiruppur, has been in the possession of the petitioner's family for over 60 years.



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2. The petitioner would submit that his father C.M.Krishnan, was in possession of the same on the basis of a decree in O.S.No.660 of 1985, on the file of the District Munsif, Tiruppur. On his death, the property devolved on the petitioner and his sisters. The petitioner's sisters released their 2/3rd share in favour of the petitioner under a registered document dated 24.01.2015, from which date the petitioner has been in exclusive possession and enjoyment of the same.

3. The petitioner would submit that he had obtained a power of attorney in respect of an extent of 2200 Sq.ft., from one Shajira Begum wife of Jagir Hussain and had also sought for grant of patta which was not considered constraining the petitioner to file Writ Petitions in W.P.Nos.15608 & 15384 of 2016 before this Court. By order dated 26.04.2016, the 4th respondent was directed to dispose of representation within a period of 8 weeks.



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4. It appears that on the basis of the Sub Collector's report, the 1st respondent vide proceedings dated 31.12.2022 had sought NOC from the 5th respondent herein. This was under the impression that the property was within the limits of the 5th respondent. A clarification was also sought from the 4th respondent. The 2nd respondent erroneously observed that patta could not be granted. In fact, the office of the 5th respondent had in reply to RTI query informed that the property comprised in S.No.335 was outside the railway limits. This information has been overlooked. Therefore, the petitioner made a detailed representation for grant of patta to the 1st respondent on 03.12.2020, following it up with several representations. The last of which was on 27.09.2024. However, there has been absolutely no response to the same by any of the authorities. Therefore, the petitioner is before this Court.

5. Heard the learned counsels on the either side and perused the records.



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6. It is rather unfortunate that the statutory authority who has been issued with mandamus from this Court has failed to comply with the directions of this Court. In the instant case, the respondents 1 to 4 have attempted to confer a non-existent right upon the 5th respondent by seeking no objection from the 5th respondent, this despite the fact that the 5th respondent has informed that the property comprised in S.No.335 is outside the railway limits.

7. In view of the above, the Writ Petition is allowed issuing mandamus to the 4th respondent to positively dispose of the representation of the petitioner dated 03.12.2020, which has been followed by several other representations, within a period of 12 weeks from the date of receipt of a copy of this order. The 4th respondent shall issue notice to the petitioner and any interested person, afford them personal hearing and thereafter pass speaking orders, in case of rejection of the request of grant of patta.



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8. The Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J.



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