



WP.No.36276 of 2024

In the High Court of Judicature at Madras

Dated : 04.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36276 of 2024

K.Balasubramanian

...Petitioner

Vs

1.The District Collector, Tiruppur,
Tiruppur District.

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

3.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

4.The Tahsildar, Madathukulam,
Tiruppur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representations dated 19.11.2016 and 08.8.2024 for the issuance of patta in favour of the petitioner in respect of his property comprised in S.No.666/2 situated at Myvadi Village, Udumalpet Taluk, Tiruppur District within a time bound manner.



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For Petitioner : Mr.K.Mylsamy
For Respondents : Mr.G.Velu, AGP

ORDER

Seeking a Mandamus to the third respondent to dispose of his representations dated 19.11.2016 and 08.8.2024 for the issuance of patta in respect of the property in S.No.666/2 situated at Myvadi Village, Udumalpet Taluk, Tiruppur District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) One Mr.Chellappa Gounder and one Mr.Muthu Gounder purchased a land measuring an extent of acres 10.25 cents S.No.666/2 situated at Myladi Village, Udumalpet Taluk. They acquired the same through a registered sale deed dated 25.11.1904. Pursuant to a partition between the family members, the subject property fell into the share of one Mr.Palani Gounder vide partition deed dated 04.5.1947 registered as doc.No.617 of 1947 on the file of the Sub-Registrar, Udumalpet. However, the subject land was



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erroneously classified as a Government poramboke land.

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(ii) The subject property formed part of Zamin Pymash No.116.

After the Notification of the Madras Estate (Abolition & Conversion into Ryotwari) Act, old Pymash No.116 was subdivided into new S.Nos. 666/1 and 666/2. Patta was also issued to the owners. However, without noticing the patta, the State officials disturbed the peaceful possession on the basis of the reclassification as the Government poramboke land.

(iii) Aggrieved by that, the said Mr.Palani Gounder and his brother - one Mr.Kandasamy Gounder filed a suit in O.S.No.38 of 1961 on the file of the District Court, Udumalpet. But, the said suit was dismissed on 11.10.1962. Aggrieved by that, they filed an appeal in A.S.No.46 of 1963 on the file of the District Court, Coimbatore, which also ended in dismissal initially. However, the second appeal filed before this Court in S.A.No.1337 of 1965 came to be allowed and the matter was remanded to the First Appellate Court for consideration of the entire issues. Further, the First Appellate Court, by judgment dated 10.3.1971, allowed the appeal and decreed the said suit, by which, the said Mr.Palani Gounder became the absolute owner of the subject property. The said judgment of the First Appellate Court attained finality.

(iv) Thereafter, there was a partition among the said Mr.Palani



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Gounder, his son and grandsons vide a registered partition deed dated 27.5.1993 vide doc.No.789 of 1993 on the file of the Sub-Registrar, Udumalpet. By virtue of the said partition dated 27.5.1993, the subject property fell to the share of the petitioner. From that date onwards, the petitioner is in possession and enjoyment of the subject property.

(v) Subsequently, without noticing the decree in favour of the petitioner's grandfather - the said Mr.Palani Gounder, the revenue officials started issuing notice to the petitioner under the Land Encroachment Act on various occasions. Pursuant to that, the petitioner made several representations to the respondents for the issuance of patta in respect of the subject property. The last of such representations is dated 08.8.2024. As it did not evoke any response, the petitioner is before this Court.

4. The fact that the property belongs to the petitioner is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner acquired the subject property by way of the partition deed dated 27.5.1993, he requested the third respondent to issue patta.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent



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to consider the latest representation of the petitioner dated 08.8.2024 for the issuance of patta in respect of the subject property. The petitioner shall submit all the relevant records to show his title to the subject property and the third respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either granting patta or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

04.12.2024

To

- 1.The District Collector, Tiruppur,
Tiruppur District.
- 2.The District Revenue Officer,
Tiruppur, Tiruppur District.
- 3.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
- 4.The Tahsildar, Madathukulam,
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