



WEB COPY



W.P.No.1803 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1803 of 2025
and
W.M.P.No.2048 of 2025

Tamilarasi

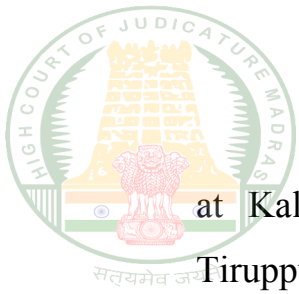
Vs.

... Petitioner

1. The Assistant Commissioner,
Office of the Assistant Commissioner,
Land Reforms Department, Coimbatore - 18.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Udumalaipettai Taluk, Tiruppur District.
3. The Tahsildar,
Office of the Tahsildar,
Udumalaipettai Taluk, Tiruppur District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to impugned order passed by the 3rd respondent by its proceeding vide File No.2024/0103/32/596778 dated 31.07.2024, and quash the same as illegal, incompetent and without jurisdiction and further directing the respondents 2 to 3 to consider the petitioner's representation dated 29.02.2024 enable him to pay the value of the property of dry land measuring to an extent of 1.00 Acre comprised in Survey No.701 situated



W.P.No.1803 of 2025

at Kallapuram Village, Udumalpet Village, Coimbatore District now Tiruppur District for making conversion from conditional patta into ayan patta land within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.A.Selvendran,
Special Government Pleader

ORDER

The Writ Petition is filed for the following relief:

(i) The case of the petitioner that the dry land measuring 1.00 acre, comprised in Survey No.701, situated at 91, Kallapuram Village, Udumalpet Village, Coimbatore District (now Tiruppur District), was assigned to the petitioner's husband by the first respondent's proceedings dated 07.05.1996 under a Deed of Assignment of Surplus Land under Section 94 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961.

(ii) The petitioner's husband has been in possession and enjoyment of the land since the date of the assignment and has meticulously adhered to the terms and conditions of the assignment.

(iii) The petitioner submits that even after 20 years, the patta in respect of the property continued to be a conditional patta. Therefore, a representation was made requesting its conversion into an absolute (iron) patta.



(iv) On 29.02.2024, a representation was made for the said conversion. However, there was no response, and the request was renewed once again on 30.07.2024, which also did not yield the desired result. Therefore, aggrieved by the inaction on the part of the respondents, the petitioner has approached this Court.

2. Heard the learned counsels on either side.

3. A perusal of the documents indicates that the petitioner's request was rejected on the ground that a conditional patta had already been issued to him. The impugned order is a one-line, non-speaking order, and the lack of application of mind on the part of the third respondent is evident from the fact that the very request of the petitioner was to convert the conditional patta into an absolute (iron) patta. However, the impugned order merely states that the property is under a conditional patta as the reason for rejection.

4. Considering that the impugned order is a non-speaking one and does not provide reasons, the Writ Petition is allowed. The impugned order is set aside, and the matter is remitted back to the third respondent for fresh consideration. The third respondent shall



W.P.No.1803 of 2025

grant the petitioner a personal hearing and thereafter pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected W.M.P is closed.

28.01.2025

nvi

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To:

1. The Assistant Commissioner,
Office of the Assistant Commissioner,
Land Reforms Department, Coimbatore - 18.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Udumalaipettai Taluk, Tiruppur District.
3. The Tahsildar,
Office of the Tahsildar,
Udumalaipettai Taluk, Tiruppur District



WEB COPY



W.P.No.1803 of 2025

P.T. ASHA. J.,

nvi

W.P.No.1803 of 2025 and
W.M.P.No.2048 of 2025

28.01.2025