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W.P.Nos.14034 and 14035 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.14034 and 14035 of 2009

And

W.M.P.Nos.25104 and 25108 of 2019

Rajendran

... Petitioner in both the W.Ps.

Vs.

1.The District Collector,
Coimbatore.

2.The Tahsildar,
Udumalpet,
Coimbatore District.

... Respondents in both the W.Ps.

3.Ramathal

... Respondent in W.P.14034/2009

Prayer in W.P.No.14034 of 2009:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the patta issued by the second respondent in favour of third respondent in respect of property belongs to the petitioner in Survey No.147/A to an extent of 2.81 acres at Kurichikottai Village, Udumalpet Taluk, Coimbatore District as null and void and nonest in the eye of law.

Prayer in W.P.No.14035 of 2009:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus forbearing the respondent from granting

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patta or creating any third party interest or making sub division in favour of any person in respect of patta land belongs to the petitioner situated at S.No.147-A to an extent of 2.81 Acres of Kurichikottai Village, Udumalpet Taluk, Coimbatore District.

For Petitioner : Mr.N.Umapathi
in both the W.Ps.

For Respondents : Mr.G.Velu for R1 and R2
Additional Government Pleader
R3 – No Appearance
in W.P.No.14034 of 2009

Mr.G.Velu
Additional Government Pleader
in W.P.No.14035 of 2009

COMMON ORDER

The petitioner has filed W.P.No.14034 of 2009 seeking issuance of Writ of Declaration declaring that the patta issued by the second respondent in favour of third respondent in respect of property belongs to the petitioner in Survey No.147/A to an extent of 2.81 acres at Kurichikottai Village, Udumalpet Taluk, Coimbatore District as null and void and nonest in the eye of law.



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2.The petitioner has filed W.P.No.14035 of 2009 seeking issuance of Writ of Mandamus forbearing the respondent from granting patta or creating any third party interest or making sub division in favour of any person in respect of patta land belongs to the petitioner situated at S.No.147-A to an extent of 2.81 Acres of Kurichikottai Village, Udumalpet Taluk, Coimbatore District.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

4.The learned counsel appearing for the petitioner submitted that the land in Survey No.147/A to an extent of 2.81 acres at Kurichikottai Village, Udumalpet Taluk, Coimbatore District was originally a P.W.D. Quarry poramboke land and the said land was converted into Government dry land by the Government and patta was granted in favour of one Nallama Naidu who is the Grandfather of the petitioner vide R.Dis.No.1049/33 dated 13.09.33. In the said proceedings, the District Collector directed the Tahsildar and Village Administrative Officer to change the revenue records in favour of Nallama Naidu including patta and chitta and further directed to handover the patta. In view of the said proceedings, the petitioner's



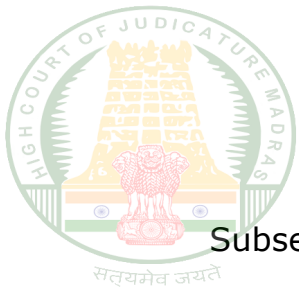
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Grandfather was given possession and title in respect of Survey

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No.147/A to an extent of 2.81 acres at Kurichikottai Village, Udumalpet Taluk, Coimbatore District and he became the absolute owner and he was in peaceful possession and enjoyment of the same.

5.The learned counsel appearing for the petitioner further submitted that the said Nallama Naidu died intestate leaving behind him his legal heir namely, Muthusamy Naidu who is the Father of the petitioner and he enjoyed the properties and paid kist to the Government. After the death of the said Muthusamy Naidu, his legal heirs namely, Rajendran, Ramraj, Dhanalakshmi, Banumathi, Savithri, Kupputhail became the owner of the said property and are in peaceful possession and enjoyment of the property. The learned counsel further submitted that in the year 2004, it was proclaimed that the Government will take over the said property for the purpose of assigning the same to the poor people of the village and aggrieved by the same, the petitioner and his family members filed O.S.Nos.536 of 2005 and 381 of 2007 and subsequently the respondents issued 2C patta in favour of the petitioner without understanding the earlier assignment granted in favour of the petitioner's Grandfather.



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Subsequently, the Government intend to grant housesite patta in

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favour of the residents of the Village and aggrieved by the same, the petitioner has filed these writ petitions.

6.The learned counsel appearing for the petitioner further submitted that once the land was assigned in favour of the petitioner's Grandfather, he became the absolute owner of the property. Without cancelling the same, all of a sudden the Government decided to issue free house site patta in favour of the residents of the Village, which is violation of Article 300 A of the Constitution of India. Accordingly prayed for appropriate orders.

7.Per contra, the learned Additional Government Pleader submitted that the land in Survey No.147/A to an extent of 2.81 acres situated at Kurichikottai Village, Udumalpet Taluk was originally belonged to P.W.D. poramboke land of Government of Tamil Nadu and the said land was classified as Natham and given assignment to one Nallama Naidu as per Revenue Divisional Officer, Pollachi, Ref.No.1509/33 dated 13.09.1933. As per the above orders, the land was classified as Natham and patta was issued to Nallama Naidu who



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is the Grandfather of the petitioner and the said Nallama Naidu was

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given possession of the land in Survey No.147/A to an extent of 2.81 acres at Kurichikottai Village.

8.The learned Additional Government Pleader further submitted that the said Nallama Naidu was also owning S.No.148/A and S.No.148/C adjacent to S.No.147/A. After the death of Nallama Naidu, the said land was mentioned in the Government records as Government Poramboke Natham and on the request made by the petitioner 2C patta was issued and subsequently, the permission for 2C patta was cancelled by the Sub – Collector, Pollachi. During the year 1974, patta in respect of the said land was issued to one Muthusamy Naicker, who is the Father of the petitioner. During the year 2004, it was proposed to give house site pattas to the poor families who do not have own house in the Kurichikottai Village, however, there was no other Natham Poromboke land available in Kurichikottai Village.

9.The learned Additional Government Pleader further submitted that the civil suits filed by the petitioner and his family members in



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O.S.Nos.536 of 2005 and 381 of 2007 before the District Munsiff Court were dismissed and after giving notice and sufficient time to the petitioner, 2C patta was cancelled after verifying the Government Rules in force.

10.Heard the arguments advanced on either side and perused the materials available on record.

11.The facts of the case is not in dispute. Admittedly, the land in Survey No.147/A to an extent of 2.81 acres situated at Kurichikottai Village, Udumalpet Taluk originally belonged to P.W.D. And subsequently, the said land was classified as Natham land. If it is a Natham land, it is for the purpose of dwelling and it cannot be assigned to any individual and if the Government decides to assign it to any individual, it has to be assigned only in terms of the Revenue Standing Orders.

12.In the present case, original assignment order was not produced before this Court and only assignment granted in stamp paper was produced for perusal of this Court, however, patta cannot be granted in stamp paper. It can be granted only in the format



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prescribed by the Government. Even the said stamp paper did not disclose with regard to the conditions imposed as per the Board Standing Orders. However, all these facts can be adjudicated only before the competent civil Court and not under Article 226 of the Constitution of India. Earlier, the petitioner and his family members have filed suits before the civil Court and it appears that the said suits were dismissed as withdrawn. As on date the disputed land is classified as Natham land which should be given to landless poor, which need not be interfered with.

13.In view of above, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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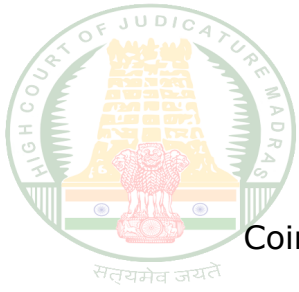
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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District Collector,
Coimbatore.
- 2.The Tahsildar,
Udumalpet,

8/9



Coimbatore District.

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