



W.P.Nos.733, 734 & 735 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.Nos.733, 734 & 735 of 2013 and

M.P.Nos.2,2,2,3,3,3 & 6 of 2013

Sigapiammal	... Petitioner in W.P.No.733 of 2013
Paripooranam	... Petitioner in W.P.No.734 of 2013
K.Poomani	... Petitioner in W.P.No.735 of 2013

Vs

1. The District Collector,
Coimbatore District,
Collectorate Building,
Coimbatore – 641 018.
2. The Additional Personal Assistant (Land),
District Collector – Coimbatore,
Collectorate Building,
Coimbatore – 641 018.
3. District Inspection Unit Officer,
District Collector – Coimbatore,
Collectorate Building,
Coimbatore – 641 018.
4. The Tasildhar,
Taluk Office,
Valparai.
5. The Superintending Engineer,
Udumalpet Electricity Distribution Circle (UEDC)
Tamilnadu Electricity Board,
Tiruppur Road, Udumalai. ... Respondents in all W.Ps.
(R5 impleaded as per Court Order in
W.P.Nos.733 to 735 of 2013 dated 11.01.2013)



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Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the first respondent culminated in Order Na.Ka.No.5316/2009/A2, dated 31.12.2012 and quash the same.

In all W.Ps.

For Petitioners : Mr.V.P.Senguttavelan, Senior Counsel
for Mr.P.Muthukrishnan

For Respondents : Mr.J.M.Rajangam,
Government Advocate for R1 to R4
No appearance for R5

COMMON ORDER

These writ petitions have been filed to call for the proceedings of the first respondent pertaining to the Order in Na.Ka.No.5316/2009/A2, dated 31.12.2012 and quash the same.

2. The brief facts of the case are that the petitioners are economically poor persons and they are in occupation of a portion of the property in Survey Nos.9/45, 9/46 and 9/47 in Aanamalai Hills Village of Valparai Taluk of Coimbatore District. Recognizing the long possession, the Government had issued free patta in Survey Nos.9/1A1P, 9/7, 9/3, 14/34, 10/9, 14/11 and 14/11C1 for houseless poor persons in which the petitioners have also



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availed the same to the extent of 100 sq.mt. Thereafter on the basis of the complaint dated 27.06.2011 given by one K.Dhanraj, Ward Councilor of Valparai Municipality, the patta given to the petitioners were cancelled vide impugned order dated 31.12.2012, challenging the same, the present writ petitions have been filed by the petitioners,.

3. Mr.V.P.Senguttavelan, learned Senior Counsel who is assisted by Mr.P.Muthukrishnan, learned counsel for the petitioners on record would submit the patta issued in favour of the petitioners were cancelled on the sole ground the petitioners are economically stronger persons and one of the family members of the petitioners running a Jewellery shop. According to the petitioners, they are economically poor and landless persons. Insofar as the allegation with regard to the jewellery shop viz., Deepika's Jewellery is concerned it is run by the son of the petitioner in W.P.No.734 of 2013 viz., Kumaresan in a rented premises and the said Kumaresan did not own any property in his name in Valparai. Recognizing their long possession, the patta has been issued by the Government in favour of the petitioners. However, the patta was cancelled as if the petitioners have constructed buildings in Valparai and let out the same for commercial purpose which is



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5. In reply, the learned Senior Counsel appearing for the petitioners would submit that as alleged by the learned Government Advocate, if petitioners constructed a building more than 100 sq.mts, the respondent concerned may be directed to measure the area, demolish the encroached property and recover the same.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Admittedly, the facts of the case are not disputed. However in impugned order, dated 31.12.2012, no documents were referred showing that the petitioners are economically stronger and having some other properties in various places other than the free house site issued by the Revenue Authorities. Without proof, the impugned order has been passed. Hence, this Court is inclined to set aside the impugned order, dated 31.12.2012 and remand the matter back to the first respondent on following terms:

- i. The first respondent is directed to conduct a Field Inspection by appointing a competent surveyor to find out whether the petitioners have constructed the building more than 100 sq.mts.



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ii. If they constructed more than 100 sq.mts, that portion may be demolished and allow the petitioners to occupy only 100 sq.mts.

iii. Thereafter, the first respondent shall verify whether the petitioners have any other title deeds other than the free house site issued by the Revenue Authorities.

iv. If any document is available with regard to the property owned by the petitioner in different places except prior to the land allotted by the Revenue Authorities, and thereafter pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

14.10.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation : Yes / No
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