



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 17647 of 2021

AND WMP NO. 18793, 18798 & 18795 OF 2021

1. C.Tamilselvan
S/o. Late. Chinnasamy,
No. 2/109, Kappalakarai Village,
Pollachi Taluk, Coimbatore District.

2. Sundararaj
S/o. Late. Chinnasamy,
No. 2/109-1, Kappalakarai Village,
Pollachi Taluk, Coimbatore District.

Petitioner(s)

Vs

1. The District Collector
District Collector Office, Coimbatore.

2. The District Revenue Officer
District Collector Office, Coimbatore.

3. The Sub Collector
Pollachi Taluk, Pollachi.

4. The Tahsildar
Pollachi Taluk, Pollachi.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 11.05.2018 passed by the 2nd respondent in NI. Mu. 11485 / 2012 / A1, quash the same and pass such further or other orders and consequently directing the 4th respondent to issue patta in the name of the petitioners for the house site in S. No. 471 / 9 (Old S. No. 361 / 1A1A) Kappalangerai village, Pollachi Taluk.



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For Petitioner(s): Mr. M.Guruprasad

For Respondent(s): Mr.C.Gowthamaraj, GA

ORDER

This writ petition has been filed challenging the order dated 11.05.2018 passed by the 2nd respondent.

2. The learned counsel for the petitioner would submit that in this case, on 19.03.1966, the subject property was assigned to and in favour of one Ponnusamy. Thereafter, the said Ponnuswamy had passed away and his wife had sold the subject property to and in favour of the petitioner's vendor vide sale deed dated 13.01.1991. Subsequently, the said property was sold to the petitioners vide sale deed dated 27.06.2011. Under these circumstances, the petitioners made an application for issuance of patta in their name. However, the 3rd respondent had cancelled the patta vide order dated 22.03.2012.

3. Further, he would submit that the order dated 22.03.2012 was challenged by the petitioner in WP.No.27721 of 2012, wherein, vide order dated 11.11.2016, this Court quashed the said order and directed the petitioners to file a fresh representation for issuance of patta. Pursuant to the said order, the petitioners had filed a representation before the 4th respondent. However, the said representation was rejected vide order dated 25.05.2017 on the ground that



there was a violation of condition imposed vide the allotment order. Aggrieved over the same, an appeal was preferred by the petitioner before the 3rd respondent and the said appeal was dismissed vide order dated 20.10.2017. Against the said dismissal order, another appeal was preferred by the petitioner before the 2nd respondent, however, the said appeal was also dismissed vide the impugned order dated 11.05.2018. Hence, this petition.

4. By referring the allotment order, he would contend that vide Clause 2 of the Allotment order dated 19.03.1966, a condition was imposed to the Allottee to construct a house in the subject land within a period of 6 months from the date of allotment. As on the date of impugned order, the aspect as to whether the said condition was complied with by the Allottee-Ponnusamy remained unknown. Without considering the same, after a lapse of more than 3 decades, the 2nd respondent has denied the issuance of patta to the petitioner by citing the reason of violation of condition, which is not sustainable in law. Hence, he requests this Court to set aside the impugned order.

5. Per contra, the learned counsel for the respondents would submit that in this case, there is a violation of condition as provided at Clause 2 of the Allotment order. In other words, the Allottee-Ponnusamy had failed to construct the house at the subject land within a period of 6 months from the date of allotment. Therefore, due to the said violation of condition, the allotment was



cancelled by the respondents and accordingly, the representation made by the petitioner for issuance of patta was also rejected vide order dated 11.05.2018.

Hence, he requests this Court to pass appropriate orders.

6. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

7. In the case on hand, upon perusal of allotment order dated 19.03.1966, it appears that initially, the subject land was allotted to and in favour of one Ponnusamy with a condition to construct a house in the said land within a period of 6 months from the allotment date. Thereafter, the said land was purchased by the petitioners' vendor in the year 1991 and subsequently, it was purchased by the petitioners in the year 2011. Under these circumstances, the petitioners made an application for issuance of patta in their name. However, the said application was rejected by the official respondents by citing the reason that there is a violation of condition imposed in allotment order.

8. No doubt that the allotment was made with a condition to construct a house in the subject land within a period of 6 months from the date of allotment, i.e., 19.03.1966. As per the said condition, the Allotee should have constructed a house at the subject land before 19.09.1966. The said aspect is supposed to have verified/examined by the respondents immediately after the

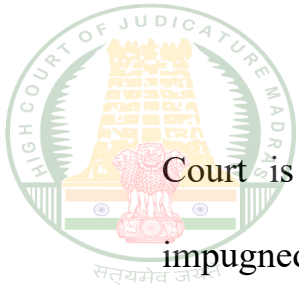


expiry of 6 months period, or atleast, it should have been done within a reasonable period, i.e., within a period of 1 or 2 years from the date of allotment. However, in this case, after a lapse of more than 3 decades, the respondents had denied for issuance of patta on the ground that there is a violation of condition imposed vide the allotment order.

9. As rightly contended by the petitioner, since the allotment was made in the year 1966, now, nobody can ascertain as to whether any house was constructed in the subject property within the time frame fixed vide the allotment order.

10. Further, it is pertinent to note that the wife of original allottee had sold the subject property to the petitioner's vendor in the year 1991 itself. Thus, it is clear that the Allottee had sold out the property after a period of 25 years from the date of allotment to meet his livelihood. Thereafter, it was sold to the petitioners in the year 2011. At this stage, it is not proper on the part of the respondents to reject the petitioners' representation on the ground that no house was constructed by the Allottee in the subject property within a period of 6 months from the date of allotment.

11. In view of the above, it is clear that the impugned order came to be passed by the 2nd respondent in total non-application of mind and hence, this



Court is inclined to set aside the said impugned order. Accordingly, the impugned order dated 11.05.2018 is hereby set aside. The Authority concerned is directed to issue patta in favour of the petitioner within a period of 2 weeks from the date of receipt of a copy of this order.

13. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petition is also closed.

14. Post this matter on 01.06.2026 for reporting compliance.

22-04-2026

nsa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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KRISHNAN RAMASAMY J.
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