

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.21704 of 2018
and W.M.P.No.25462 of 2018

1.R.Sivaprakasham
2.R.Subramaniam
3.R.Somasundaram
4.R.Ponnammal

...Petitioners

Vs

1.The District Revenue Officer cum
Additional District Executive Magistrate,
Coimbatore, Coimbatore District.
2.The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.
3.The Tahsildar,
North Coimbatore,
Coimbatore.
4.R.Arukutti

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the order dated 31.01.2018 vide proceedings in No.Ne.Mu.26180/2012/E1 on the file of the first respondent and quash the same.

For Petitioners : Mr.K.Myilsamy

For Respondents : Mr.V.Shanmuga Sundaram
Special Government Pleader

O R D E R

Heard Mr.K.Myilsamy, learned counsel for the petitioners and Mr.V.Shanmuga Sundar, learned Special Government Pleader, who takes notice for the respondents.

2. The petitioners have come up with the present writ petition, to challenge the order of the first respondent dated 31.01.2018 vide his proceedings in No.Ne.Mu.26180/2012/E1.

3. The case of the petitioners is that the property measuring to an extent of 3.52 acres in S.No.167 situated at Periyanaickenpalayam Village, Coimbatore District, is an ancestral property and the petitioners have been in possession and enjoyment of the same. Claiming that the aforesaid property belonged to her mother Valliammal, by virtue of a Will dated 24.11.1968, the fourth respondent filed an appeal before the second respondent, challenging the patta granted in favour of the petitioners' father Ramasamygounder, which was ordered in her favour vide proceedings bearing No.Mu.M.No.14822/2004/A2. Aggrieved over the same, the petitioners filed a Statutory Revision under Section 13 of the Tamil Nadu Patta Pass Book Act r/w Rule 15 of the Tamil Nadu Patta Pass Book Rules before the first respondent and the same was dismissed vide proceedings in No.Ne.Mu.26180/2012/E1, dated 31.01.2018. Hence, the petitioner is before this Court.

4. Such being the factum of the case, this Court is of the opinion that the petitioners have to agitate the issue before the Civil Court, by establishing their title and ownership.

5. Hence, the writ petition is dismissed, leaving it open to the petitioners to agitate the matter before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ms

To

1.The District Revenue Officer cum
Additional District Executive Magistrate,
Coimbatore, Coimbatore District.

2.The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.

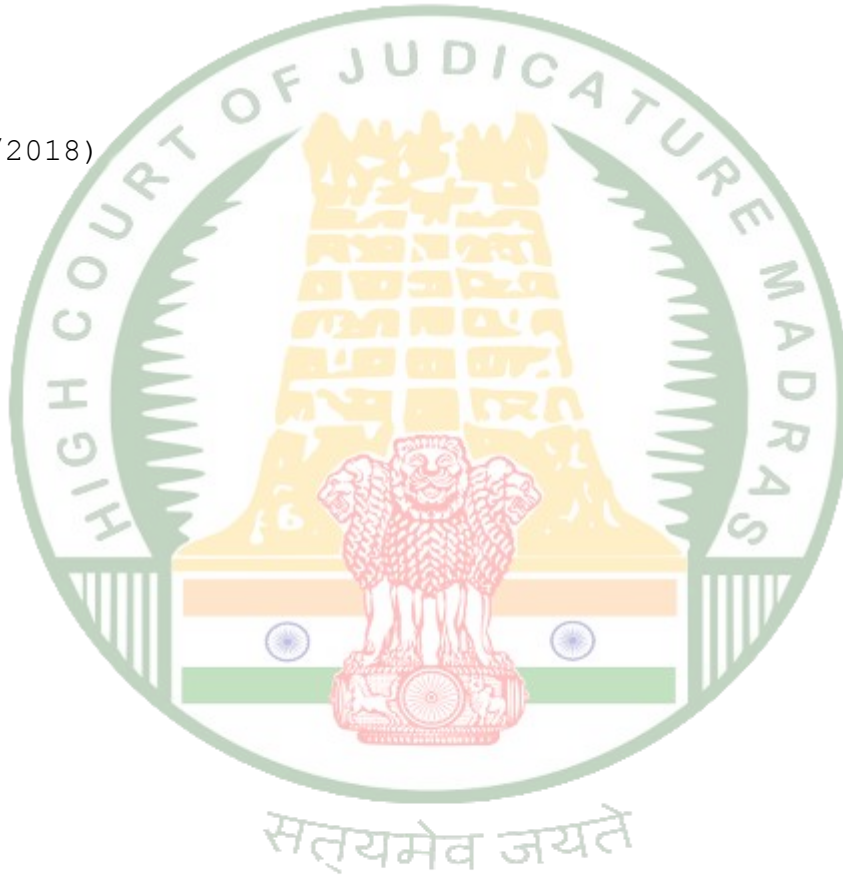
3.The Tahsildar,
North Coimbatore,
Coimbatore.

+1cc to Mr.K.Myilsamy, Advocate, S.R.No.58335

+1cc to the Government Pleader, S.R.No.58810

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RK(CO)
GSP(19/09/2018)



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