

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.34112 of 2018
and W.M.P.Nos.39633, 39636 and 39658 of 2018

Ramdaas

.. Petitioner

Vs.

1. The Sub Collector / Revenue Divisional Officer,
Coimbatore North Revenue Division,
Thudiyalur, Coimbatore.
2. The Tahsildar,
Coimbatore North,
Balasundaram Road,
Coimbatore.
3. The Village Administrative Officer,
Kalapatti (East),
Coimbatore District.
4. The Taluk Surveyor,
Kalapatti,
Coimbatore
5. Sivaraman
6. S.P.Duraisamy.
7. Dhanyalakshmi
8. Chithra
9. Lalithambigai
10. Muruganantham
11. Ravi
12. P.Thirumoothy
13. Dr. Hemalatha
14. Jothimani
15. Subramaniam
16. Marappan

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of order relating to effecting sub division and patta transfer proceedings in the name of respondents 5 to 16 in respect of respondents 5 to 16 in respect of S.F.Nos.751/3B1, 751/3B2, 751/3B3, 751/3B4, 751/3B5, 751/3B6 in Kalapatti Village of Coimbatore District in No.T.R 2018/12/2/000179SD dated 09.02.2018 passed by the second respondent herein and quash the same in so far as the respondents 5 to 16 concerned.

For Petitioner : Mr.R.Gandhi, Senior Counsel
for Mr.N.Ponraj
For Respondents 1 to 4 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The Writ Petition has been filed challenging the impugned order passed by the second respondent in No.T.R 2018/12/12/000179SD dated 09.02.2018 granting sub-division number and patta to the respondents 5 to 16.

3.It is stated in the affidavit filed in support of the petition that the petitioner has purchased the lands in S.F.No.751/3 in Kalapatti Village of Coimbatore District measuring an extent of 1.59 acres by virtue of a Sale Deed dated 28.03.2008. Subsequently, as per the compromise decree dated 15.10.2009 in O.S.No.1831 of 2009, 1.431/2 acres was allotted to the petitioner and the remaining 0.8 1/2 acres was allotted to one KMCH Hospital in the above said survey. While so, the said KMCH Hospital approached the second respondent for sub division during the year 2010 and sub division was conducted. As per the sub division, S.F.No.751/3A was given to the said KMCH Hospital and S.F.No.751/3B was given to the petitioner. While so, the respondents 5 to 16 alleging that they have also purchased the petitioner's lands from some person, approached the second respondent for sub division and transferring the patta. The second respondent, without issuing notice and conducting enquiry, has passed the impugned order granting sub-division number and patta to the respondents 5 to 16 on 09.02.2018. Hence, the Writ Petition has been filed for the relief stated supra

4. Heard Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of respondents 1 to 4.

5. Though the petitioner has challenged the order dated 09.02.2018 passed by the second respondent, already there seems to be an appeal preferred by the petitioner before the first respondent/Revenue Divisional Officer in this regard. The only grievance of the petitioner is that the second respondent, without even giving notice to him, has granted the patta to the respondents 5 to 16.

6. Considering the facts and circumstances of the case and also the fact that already an appeal has been preferred by the petitioner before the first respondent, the first respondent is directed to dispose of the said appeal, on merits and in accordance with law, after issuing notice to the petitioner, respondents 5 to 16 herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order. In the meanwhile, there should not be any mutation of records.

7. With the above directions, this writ petition stands disposed of. No costs Connected WMPs are Closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srn

To

1. The Sub Collector / Revenue Divisional Officer,
Coimbatore North Revenue Division,
Thudiyalur, Coimbatore.
2. The Tahsildar,
Coimbatore North,
Balasundaram Road,
Coimbatore.
3. The Village Administrative Officer,
Kalapatti (East),
Coimbatore District.

4. The Taluk Surveyor,
Kalapatti,
Coimbatore

+1cc to Mr.N.Ponraj, Advocate, S.R.No.89295

W.P.No.34112 of 2018
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MG (CO)
GSP (21/01/2019)



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