

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2020

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.6552 of 2020

N. Anandhakumar ... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Coimbatore.

2.The District Revenue Officer,
Coimbatore.

3.The Thasildar,
Taluk Office,
Pollachi.

4.The Commissioner,
Pollachi Municipality,
Pollachi Town, Pollachi.

5.N. Kannappan ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the first respondent to consider the petitioner's representation dated 04.09.2019 and to cancel the proceedings passed in Nee.Moo.No.1144/2015/E1 dated 20.02.2015 in which the petitioner is not party.

For Petitioner : Mr. D.T. Babu

For Respondents :Mr. G. Rajesh,
Government Advocate for R1 to R3

Mr.V.Jayaprakash Narayanan
Government Pleader for R4

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the first respondent to consider the representation made by the petitioner on 04.09.2019 wherein, the petitioner has sought for cancellation of the proceedings of the first respondent dated 20.02.2015.

2. The case of the petitioner is that he is the absolute owner of the property by virtue of settlement deed dated 27.05.2011. It is the further case of the petitioner that an attempt was made by the officers belonging to the fourth respondent-municipality to remove the water pipe line without issuing any notice. According to the petitioner, he is the absolute owner of the property for T.S.No.42 and the authorities did not have the right to interfere with his possession. Therefore, the petitioner proceeded to file O.S.No.215 of 2016 before the District Munsif Court Pollachi against the respondents 3 and 4 seeking for the relief of declaration to declare the mutation made in the revenue records as not binding on the petitioner and for other consequential reliefs.

3. In the above suit, written statement came to be filed wherein there was a reference to the proceedings of the first respondent dated 20.02.2015.

4. According to the petitioner, the orders were passed in these proceedings by the first respondent without putting the petitioner on notice and without giving any opportunity. Aggrieved by the same, the petitioner made a representation before the first respondent seeking for the cancellation of the proceedings dated 20.02.2015. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. The petitioner is already agitating before the competent civil Court with regard to his right, title and interest over the property and the petitioner has already sought for a declaration to declare the mutation in the revenue record as null and void. If, according to the petitioner the first respondent has passed orders in his proceedings dated 20.02.2015 without giving an opportunity to the petitioner, he can always agitate the same on the very same ground before the civil Court. The petitioner cannot be allowed to initiate parallel proceedings questioning the order passed by the first respondent on 20.02.2015, when the suit is pending. As and when reliance is placed upon these proceedings, the petitioner can always challenge the same on the very same grounds even before the civil Court. In any case, the mutation in revenue records do not confer title and it is the duty of the petitioner to independently establish his title over the property. Therefore, this Court is not inclined to consider the request made by the petitioner. Liberty is given to the petitioner to proceed further with the suit and establish his rights.

7. In the result, the writ petition is disposed of with a direction to the District Munsif Court, Pollachi to dispose of O.S.No.215 of 2016, within a period of four months from the date of receipt of copy of this order. No costs.

AT

Sd/-
Assistant Registrar (CS-III-MDO)

//True copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Office of the Collectorate,
Coimbatore.
- 2.The District Revenue Officer,
Coimbatore.
- 3.The Thasildar,
Taluk Office,
Pollachi.
- 4.The Commissioner,
Pollachi Municipality,
Pollachi Town, Pollachi.

+1cc to Mr.D.T.Babu, Advocate SR.No.23492

W.P.No.6552 of 2020

ev(CO)
mst(28/05/2020)

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