

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 19799 of 2014
and M.P.No.1 of 2014

Senniappan

...Petitioner

-vs-

1. The Tahsildar,
Sulur, Coimbatore District.

2. The Revenue Divisional Officer,
Coimbatore.

3. Ramathal

4. S. Martin

5. P. S. Natarajan

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the 1st and 2nd respondents herein from in any manner effecting any changes in the patta to the petitioner's land in S.F.No.483/3B1, measuring an extent of 5.41 acres in patta No.513, Karumathampatti Village, Coimbatore District, on the file of the 1st respondent dated 05.12.2001 as confirmed by the 2nd respondent in Na.Ka.No.2817/2009/A2 dated 09.10.2009 and further direct the respondents 1 and 2 not to effect any changes in mutation of patta in future without notice to the petitioner at the instigation of 6th respondent.

For Petitioner : Ms.P.Bagyalakshmi

For Respondents: Mr.M.D. Ilayaraja
Government Advocate [R1 & R2]

R3 - No appearance

Mr.R.N. Amarnath [R4]

Mr.S.Sithirai Anandam [R5]

ORDER

Heard Ms.P.Bagyalakshmi, learned counsel for petitioner, Mr.M.D. Ilayaraja, learned Government Advocate for respondents 1 and 2, Mr.A.N.Amarnath, learned counsel for 4th respondent and Mr.S.Sithirai Anandam, learned counsel for 5th respondent.

2. With consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. This writ petition has been filed praying for issuance of a writ of mandamus to forbear 1st and 2nd respondents herein from in any manner effecting any changes in the patta issued to the petitioner's land in S.F.No.483/3B1, measuring an extent of 5.41 acres in patta No.513, Karumathampatti Village, Coimbatore District, on the file of the 1st respondent dated 05.12.2001 as confirmed by the 2nd respondent in Na.Ka.No.2817/2009/A2 dated 09.10.2009 and further direct the respondents 1 and 2 not to effect any changes in the patta in future without notice to the petitioner at the instigation of 6th respondent.

4. The learned Government Advocate, on instructions, from the 1st respondent submitted that as of now the patta stands in the name of Thangamani W/o. Thangavelu, Karthik S/o. Palanisamy, Kowsalya D/o. Palanisamy and Sivasami S/o. Arumuga Gounder and patta No.3411 has been granted.

5. The relief sought for by the petitioner itself is not to effect any changes in the patta without notice to the petitioner. However, there has been subsequent development and further mutation in the revenue records, hence the petitioner had filed this writ petition apprehending that the 4th respondent and his brother may cancel the patta granted in favour of the petitioner.

6. In the considered view of this Court, the petitioner need not have such apprehension. If any, application is filed by the 4th respondent for transfer of patta, the respondents 1 and 2 are bound to issue notice to the petitioner/ person in whose name the patta stands and if any action is taken without issuing notice, the same is illegal.

7. The petitioner would place reliance on the order passed in Review Application No.165 of 2004 in S.A.No.24 of 1993 dated 31.03.2008, wherein a compromise settlement between the petitioner and the 3rd respondent was recorded. The learned counsel for 4th respondent would submit that he has filed Civil Miscellaneous Petition to set aside the order in Review Application No.165 of 2004 and the same is pending. That apart, the 4th respondent transferred the patta to the 3rd parties.

8. In the light of the above facts and taking into account of subsequent development, which have been taken place during the pendency of the writ petition, the writ petition is disposed of with a observation that, if any, application is filed by the 4th respondent or person claiming under the 4th respondent or through 5th respondent, in which, no action can be initiated without notice to the petitioner and other brothers, whose names have been entered in patta No.3411. No costs. Connected miscellaneous petition is closed.

The above direction shall be scrupulously followed by the respondents 1 and 2, failing which, they are liable to stringent action.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Sulur, Coimbatore District.

2. The Revenue Divisional Officer,
Coimbatore.

+1cc to Mr.S. Sithirai Anandam, Advocate SR.No.1962

+1cc to Government Pleader SR.No.14221

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RSK (CO)
EU 25.6.2020

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