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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4690 of 2019

And

W.M.P.Nos.5314 and 5317 of 2019

K.K.Karthikeyan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Pollachi,
Coimbatore District.

2. The Thasildar
Pollachi,
Coimbatore District.

3. The District Revenue Officer
Coimbatore District,
Coimbatore.

4. V.Narasimman

5. V.Ramakrishnan

6. V.Sunsareshan

7. V.Parvathi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records relating to the proceedings in Ne.Mu.17863/2015/B1 dated 16.08.2016 on the file of the 3rd respondent and quash the same.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Mr.B.Vijay for R1 to R3
Additional Government Pleader
No Appearance for R4 and R5



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the entire records relating to the proceedings in Ne.Mu.17863/2015/B1 dated 16.08.2016 on the file of the third respondent and to quash the same.

2.The learned counsel appearing for the petitioner would submit that though the petitioner is the absolute owner of the subject property, respondents 6 and 7 claim that they have purchased the property from the petitioner's co-owners. In the meanwhile, patta for the very same property was granted in favour of the respondents 4 and 5. Challenging the patta granted in favour of the respondents 4 and 5, respondents 6 and 7 approached the third respondent, seeking cancellation of patta, who in turn directed the Revenue Officials to measure the property and grant separate patta to the parties. Challenging the same respondents 6 and 7 filed appeal before the Commissioner of Land Administration and the Commissioner of Land Administration set aside the order of the third respondent and remanded the matter back to the third respondent. Thereafter, the impugned order came to be passed.

3.The learned counsel appearing for the petitioner would further submit that though the petitioner is the owner of the property, without issuing notice to the petitioner and without hearing the petitioner, the impugned order was passed which is un-sustainable one and it is clear case of violation of principles of natural justice. He would further submit that there is appeal remedy available to the petitioner before the Commissioner of Land Administration and hence, this Court may permit the petitioner to file appeal before the Commissioner of Land Administration and issue direction to the Commissioner of Land Administration to consider the appeal and to dispose of the same within a reasonable time frame.

4.Considering the limited request made by the learned counsel appearing for the petitioner, this Court permits the petitioner to file appeal before the Commissioner of Land Administration, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the Commissioner of Land Administration shall consider the same on merits and in accordance with law and dispose of the same within a period of twenty four weeks from the date of filing of the appeal.



5.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Pollachi,
Coimbatore District.
2. The Thasildar
Pollachi,
Coimbatore District.
3. The District Revenue Officer
Coimbatore District,
Coimbatore.

+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No.63072

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NSK 19/01/2022