

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NOS.6043 OF 2021 AND 37764 OF 2015

AND

W.M.P.NOS.6690, 6689, 6687 OF 2021

W.P.NO.6043 OF 2021

R.Ramasamy

... Petitioner

.Vs.

1. The District Collector,
Coimbatore.
2. The District Revenue Officer,
Coimbatore District.
Coimbatore.
3. The Block Development Officer,
Karamadai Block,
Mettupalayam Taluk,
Coimbatore District.
4. The Tahsildar,
Mettupalayam, Coimbatore.
5. The President,
Chikkadasampalayam Panchayat,
Karamadai Taluk,
Coimbatore District.

... Respondents

W.P.NO.37764 OF 2015

1. A.Priya
2. M.Velusamy
3. L.Parameswari
4. Sathish Kumar
5. Suseela
6. R.Gnanashanmugham
7. V.Muralidharan
8. M.Subramaniam

9. M.Meenakshi
10. S.Arumugam
11. S.Manimekala
12. A.Ramasamy

... Petitioners

.Vs.

1. The District Collector,
Coimbatore District, Coimbatore.
2. The District Revenue Officer,
Coimbatore District.
Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.
4. The Tahsildar,
Mettupalayam,
Coimbatore District.

... Respondents

PRAYER IN W.P.NO.6043 OF 2021:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to order in No.954/2020/A4 dated 18.02.2021 issued by the 3rd respondent to 5th respondent and direct the respondents 1 to 4 stop to providing basic amenities until the disposal of suit in O.S.No.405 of 2016 on the file of the Additional District Judge IV, Coimbatore.

PRAYER IN W.P.NO.37764 OF 2015:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 4th respondent dated 06.11.2015 in O.Mu.No.9746/2015/A2 quash the same and consequently direct the 4th respondent to grant patta in favour of the petitioners 1 to 11 herein for their respective properties in Survey No.105/1A at Chikkadasampalayam Village, Mettupalayam Taluk, Coimbatore District.

For Petitioner : Mr.P.Tamilavel
in W.P.No.6043 of 2021

M/s.J.Pothiraj
in W.P.No.37764 of 2015

For Respondents : Mr.A.Selvendran
in W.P.No.6043 of 2021 Government Counsel
For R1

MR.U.Bharanidharan
Government Advocate
For R2 and R3

Ms.Amirta for R4

in W.P.No.37764 of 2015

Mr.U.Bharanidharan
Government Advocate
For R1 to R4

C O M M O N O R D E R

The issue involved in both the writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

2. The subject matter of challenge pertains to the impugned proceedings of the Block Development Officer dated 18.02.2021, wherein the direction has been given to the President of the Panchayat to proceed further to provide amenities for nearly 105 families who are living in SF No.105/1A, 105/1B.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4. On carefully going through the materials placed before this Court and after considering the submissions made on either side, the main dispute seems to be the identification of the property. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot undertake such an exercise. However, there is a suit pending in O.S.No.405 of 2016, on the file of the Vth Additonal District Judge, Coimbatore, wherein the petitioner in W.P.No.6043 of 2021 along with his wife have filed a substantive suit against the official respondents as well as the allottees of the lands. The issue regarding the identiy of the property can be undertaken in the pending suit on the basis of the evidence adduced before the Court.

5. The learned Counsel for the petitioner submitted that the suit was filed in the year 2016 and the defendants have not filed any written statement and as a result of the same, the suit is getting adjourned from time to time. The learned counsel further submitted that during the pendency of the suit,

the official respondents in a hasty manner have proceeded to provide amenities in the property belonging to the petitioner and which has been wrongly identified by the respondents.

6. In the considered view of this Court, it will be fit and proper if a direction is issued to the Court below to dispose of the suit within a time frame. It is made clear that the official defendants shall file a written statement within the period of 6 weeks from the date of receipt of the copy of this order. Thereafter, the Court below shall proceed to frame the issues and conduct the trial. The final judgment and decree shall be passed within a period of 6 months from the date of receipt of the copy of this order. If the official respondents do not file the written statement within the time stipulated by this Court, it is left open to the Court below to set them ex-parte and proceed further to decide the suit based on the materials placed by the petitioner. Whatever decisions are taken by the official respondents, will be subject to the result of the suit.

7. Both the writ petitions are disposed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore.
2. The District Revenue Officer,
Coimbatore District.
Coimbatore.
3. The Block Development Officer,
Karamadai Block,
Mettupalayam Taluk,
Coimbatore District.
4. The Tahsildar,
Mettupalayam,
Coimbatore.

5. The President,
Chikkadasampalayam Panchayat,
Karamadai Taluk,
Coimbatore District.
6. The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.

+1cc to M/s.J.Pothiraj, Advocate, S.R.No.53324
+3ccs to Mr.P.Tamilavel, Advocate, S.R.No.53469

W.P.NOS.6043 OF 2021 AND 37764 OF 2015
AND W.M.P.NOS.6690, 6689, 6687 OF 2021

NK(CO)
PBS/15/11/2021