

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM :
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.20317 of 2020
and WMP.Nos.25105 to 25107 of 2020

K.R.Chandrasekaran

...

Petitioner

Vs.

- 1.The Additional Chief Secretary /
Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai - 600 005.
- 2.The District Collector
Coimbatore District
Coimbatore.
- 3.The Additional Executive Magistrate cum
District Revenue Officer
Coimbatore District
Coimbatore.
- 4.The Revenue Divisional Officer
Coimbatore South
State Bank Road
Coimbatore.
- 5.The Tahsildar
Sulur Taluk, Sulur
Coimbatore District.
6. CODDISSIA Industrial Park Limited
Rep by its Chairman
GD Naidu Towers,
Huzur Road
Coimbatore - 18.

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the third respondent in Nee.Mu.14822/2019 E1 dated 04.12.2019 confirming the orders passed by the fourth respondent in Na.Ka.1577/2019/A2 dated 20.06.2019 confirming the order passed by the fifth respondent in Na.Ka.4375/17 dated 27.07.2017 and the consequential notice issued by the office of the fifth respondent in Na.Ka.1606/20/E1 dated 14.12.2020, quash the same and

consequently direct the respondents 3 to 5 to follow the circular dated 13.3.2018 issued by the first respondent herein.

For Petitioner : Mr.A.S.Balaji

For Respondents: Mr.M.Manigopi
Government Advocate [R1 to R5]
Mr.D.Ravichander [R6]

ORDER

The petitioner herein challenges the purported action to sub-divide a certain property by the fourth respondent/ Revenue Divisional Officer, Coimbatore at the instance of the six respondent herein.

2. It is brought to the notice of the Court that a suit for declaration of title in O.S.No.20/2016 is pending on the file of the District Court, Coimbatore, in which the present petitioner is arrayed as the second plaintiff, and the sixth respondent herein is arrayed as the first defendant. This Court is also informed that the pleadings in the suit has been settled and the matter is ready for commencement of trial.

3. Heard Mr.A.S.Balaji, learned counsel for the petitioner and Mr.M.Manigopi, learned Government Advocate for respondents 1 to 5 and Mr.D.Ravichander, learned counsel for the sixth respondent.

4. This Court heard heated submissions between the counsel for the petitioner and the Government Advocate for respondents 1 to 5; and that the learned counsel for the sixth respondent, in particular, insisted that when once the sixth respondent has purchased the property from a third party, it gets every right to get the property so purchased and to sub-divide it.

5. If the vehemence of the arguments of the sixth respondent is kept aside for a while, it all boils down to decide, who has the better title to have the name mutated in the revenue records. This can be conveniently decided in the pending O.S.No.20/2016 before III Additional District Court, Coimbatore. The Revenue Officials does not have any authority to decide on any dispute as to the title, but on the contrary, the officials would be bound by such decree as to the title passed by the civil Court. Therefore, it is only appropriate that the present status-quo vis-a-vis the entry in the patta is kept at constant, and the District Court, Coimbatore may have to expedite the trial and disposal of the suit at the very earliest.

6. In conclusion, this Court directs the III Additional District Court, Coimbatore to dispose of the suit in O.S.No.20/2016 on or before 30.04.2021. The Revenue Officials would be bound by such decree as might be passed in the civil suit, as and when the same

has attained finality. This Court is informed and the suit in O.S.No.1162 of 2013 originally filed before the District Munsif Court, Coimbatore has since been transferred to the III Additional District Court, Coimbatore, and has been tagged along with O.S.No.20 of 2016. Now both the suits should go for trial.

7. Accordingly, the writ petition is disposed of . No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ds

To

- 1.The Additional Chief Secretary /
Commissioner of Land Administration
Ezhilagam, Chempauk
Chennai - 600 005.
- 2.The District Collector
Coimbatore District
Coimbatore.
- 3.The Additional Executive Magistrate cum
District Revenue Officer
Coimbatore District
Coimbatore.
- 4.The Revenue Divisional Officer
Coimbatore South
State Bank Road
Coimbatore.
- 5.The Tahsildar
Sulur Taluk, Sulur
Coimbatore District.
- 6.The III Additional Judge,
District Court, Coimbatore.

+1cc to Mr.B.S.Balaji,, Advocate, S.R.No. 2091
+1cc to Mr.D.Ravichander, Advocate, S.R.No. 2800
+1cc to the Government Pleader, S.R.No. 2121

W.P.No.20317 of 2020

NRJK (CO)

GN (02/02/2021)

<https://hcservices.ecourts.gov.in/hcservices/>