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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.25885 OF 2021

AND

W.M.P.NO.27355 OF 2021

V. Kaalimuthu

.... Petitioner

Vs

1. The District Collector,  
Coimbatore District,  
Coimbatore.
2. The Revenue Divisional Officer,  
Pollachi,  
Coimbatore.
3. The Tahsildar,  
Kinathukadavu Taluk,  
Kinathakadavu,  
Coimbatore District.
4. Vikram

.... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to consider and pass orders on the petitioner's representation dated 09.07.2021 made for cancelling the patta issued in favour of the fourth respondent in respect of the agricultural lands comprised in S.No.415 measuring 1.59.6 hectares and S.No.558/3, measuring 0.81.00 hectares situated at Aandipalayam Village, Kinathukadavu Taluk, Coimbatore District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.P.Baladhandayutham  
Special Government Pleader



## ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 09.07.2021 and pass orders for cancelling the patta issued in favour of the fourth respondent in respect of the property comprised in S.No.415 admeasuring to an extent of 1.59.6 hectares and S.No.558/3 admeasuring to an extent of 0.81.00 hectares situated at Aandipalayam Village, Kinathukadavu Taluk, Coimbatore District.

2. Heard, Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner's father owned property comprised in survey Nos.416 and 558/3 situated at Aandipalayam Village, Kinathukadavu Taluk, Coimbatore District. He had executed a Will dated 24.06.2016, bequeathing the said property in favour of the petitioner and the petitioner is in possession and enjoyment of the same. However, when his father was totally ill and bedridden and taking undue advantage of his illness and unsound condition in the year 2017, one Moorthy and his wife had obtained the sale deed fraudulently from his father in respect of the subject property comprised in survey No.416 admeasuring to an extent of 1.59.6 hectares and survey No.558/3 admeasuring to an extent of 0.81.0 hectares. Thereafter, the said Moorthy executed the sale deed in favour of the fourth respondent herein. Therefore, the petitioner filed a suit in O.S.No.226 of 2021, challenging the sale deed executed in favour of the fourth respondent by the said Moorthy, on the file of the District Munsif Court, Pollachi, and it is pending. In the meanwhile, the petitioner submitted a representation, to cancel the patta issued in favour of the fourth respondent in respect of the subject property, before the second respondent and it is pending.

4. Considering the above, the second respondent is directed to consider the representation of the petitioner dated 09.07.2021 subject to the result of the suit filed by the petitioner in O.S.No.226 of 2021 on the file of the District Munsif Court, Pollachi, after issuance of notice to the petitioner and the counter parties, if any and after giving them an opportunity of hearing and pass orders on merits and in accordance with law.



5. With the above direction, this writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

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Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Coimbatore District,  
Coimbatore.
2. The Revenue Divisional Officer,  
Pollachi,  
Coimbatore.
3. The Tahsildar,  
Kinathukadavu Taluk,  
Kinathakadavu,  
Coimbatore District.

+1cc to Government Pleader SR.NO.65291(20/01/2022)

W.P.No.25885 of 2021  
and  
W.M.P.No.27355 of 2021

KG(CO)  
PM/27/12/2021