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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8724 of 2017  
and W.M.P.Nos.9570, 9571 of 2017

1.T.Varadharajan

2.T.Subramaniam

...Petitioners

Vs

1.The District Revenue Officer cum  
Additional District Judge,  
Coimbatore District.

2.The Revenue Divisional Officer,  
Coimbatore District.

3.The Thasildar,  
Mettupalayam Taluk,  
Coimbatore District.

4.Nanjayan

5.Dhatchinamurthy

...Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent herein in Na.Ka.No.20373/2014/E1 dated 18.01.2017 confirming the order passed by the 2nd respondent in Na.Ka.No.6304/2013/A2 dated 09.09.2014 quash the same and consequently direct the 3rd respondent to re-enter the name of the petitioners in Patta No.53, Patta No.2818 and Patta No.12.

For Petitioners : Ms.L.P.Maurya

For Respondents : Mr.Richardson Wilson,  
1 to 3 Government Advocate

For Respondents : Mrs.Muthumani Doraisami  
4 & 5



## O R D E R

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent herein in Na.Ka.No.20373/2014/E1 dated 18.01.2017 confirming the order passed by the 2nd respondent in Na.Ka.No.6304/2013/A2 dated 09.09.2014 quash the same and consequently direct the 3rd respondent to re-enter the name of the petitioners in Patta No.53, Patta No.2818 and Patta No.12.

2. The petitioners have challenged the order passed by the respondents 1 and 2 herein, thereby cancelling the joint patta issued in favour of the petitioners as well as the respondents 4 and 5 herein. On the strength of the partition deed dated 28.09.2010, the petitioners applied for patta and they were issued joint patta including the respondents 4 and 5 herein. Aggrieved by the same, the respondents 4 and 5 filed appeal as contemplated under Section 12 of the Patta Passbook Act before the second respondent and the same was allowed. Aggrieved by the same, the petitioners preferred revision before the first respondent and the same was dismissed. The petitioners challenged both the orders passed by the respondents 1 and 2 herein in the present writ petition.

3. Heard Ms.L.P.Maurya, learned counsel for the petitioners and Mr.Richardson Wilson, learned Government Advocate for the respondents 1 to 3 and Mrs.Muthumani Doraisami, learned counsel for the respondents 4 and 5.

4. It is relevant to extract Section 14 of the Patta Passbook Act herein:

"The proviso says that if any person is aggrieved as to any right of which he is in possession by an entry made in the Patta Passbook Act, he has to institute the suit against any person."

5. In view of the above, it cannot be challenged before this Court in the present writ petition. Therefore, this writ petition is dismissed as devoid of merits. However, the petitioners are at liberty to file a suit in respect of the subject property in the manner known to law. If the petitioners are filed any suit, the Civil Court is directed to dispose the suit without any influence of the order passed by the respondents 1 and 2 herein. While pending the suit, the petitioners as well as the respondents 4 and 5 should not disturb their respective possession and enjoyment of the properties.



6. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petitions are dismissed.

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-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

rna

To

1.The District Revenue Officer cum  
Additional District Judge,  
Coimbatore District.

2.The Revenue Divisional Officer,  
Coimbatore District.

3.The Thasildar,  
Mettupalayam Taluk,  
Coimbatore District.

+1 CC to M/s.L.P. Maurya, Advocate sr 42749

+1 CC to Mr. Muthumani Doraisami, Advocate sr 42745.

W.P.No.8724 of 2017  
and W.M.P.Nos.9570, 9571 of 2017

JPII (CO)  
SP(17/09/2021)