



WEB COPY



W.P. No.2963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.02.2022**

CORAM :

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

**W.P. No.2963 of 2022**  
**and**  
**W.M.P.No.3130 of 2022**

PL. Meenakshisundaram

... Petitioner

Vs.

1. The Revenue Divisional Officer,  
Coimbatore South Division,  
Coimbatore 641 018.

2. Nataraj

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st respondent from proceeding with the patta proceedings pending in R.C.No.4581/2021/A2.

For Petitioner : Mr.AE. Ravichandran

For Respondents : Mr.M.Murali  
Government Advocate

### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to forbear the 1st respondent from proceeding with the Patta



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proceedings pending in R.C.No.4581/2021/A2.

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2. The case of the petitioner is that he is the owner of the property and Patta also stands in the name of the petitioner. Further, the petitioner submits that the 2nd respondent-private party and another person filed O.S.No.1166/2019 before the District Munsif, Coimbatore, challenging the sale deed in favour of the petitioner which on transfer, is pending before the District Munsif cum Judicial Magistrate, Madhukarai, Coimbatore as O.S.No.316/2019. Thereafter, the petitioner preferred CRP(PD) No.2015 of 2020 to strike off the plaint in O.S.No.316 of 2019 and this Court granted interim stay by its order dated 27.11.2020 and the same is pending. While being so, the 2nd respondent gave a representation to the 1st respondent for cancellation of Patta standing in the name of the petitioner in respect of the petitioner's land in Survey No.85/1C2 in Vellaloor Village and on the same, the 1st respondent issued summons to the petitioner in RC No.4581/2021/A2 dated 15.11.2021. The petitioner gave a detailed statement vide letter dated 29.11.2021 and requested the 1st respondent not to proceed with the Patta proceedings. In spite of the same, the 1st respondent vide the impugned proceedings directed the petitioner to appear for enquiry without passing any orders on the statement given by the petitioner. Hence, the Writ Petition is



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3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 1st respondent not to proceed with the patta proceeding in R.C.No.4581/2021/A2 dated 15.11.2021 and pass appropriate orders within a particular time that may be fixed by this Court.

4. The learned Government Advocate appearing for the 1st respondent has no objection for said order being passed.

5. Though limited relief is sought for, it has to be pointed out that the petitioner has been called for enquiry and no adverse orders have been passed. Further, suit filed by the 2nd respondent for declaration of title is pending adjudication in O.S.No.316 of 2019. In such view of the matter, this Court without expressing any opinion on the merits of the case directs the petitioner to appear before the 1st respondent in the pending proceedings on 16.03.2022 and on appearance of the petitioner, the 1st respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this



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order, after providing opportunity of hearing to the petitioner and other aggrieved persons.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**18.02.2022**

Index : Yes / No  
Internet : Yes / No  
Speaking order / Nonspeaking order  
jd/nhs

To

The Revenue Divisional Officer,  
Coimbatore South Division,  
Coimbatore 641 018.



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**M.DHANDAPANI, J.**

jd/nhs

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**W.M.P.No.3130 of 2022**

**18.02.2022**