



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.23449 of 2005
and
M.P.No.25584 of 2005

1.Chenniappan @ Chennimalai Gounder
2.Saraswathi

... Petitioners

Vs.

1. The Special Commissioner & Commissioner
of the Land Administration,
Chepauk,
Chennai-600 005.

2. The District Revenue Officer,
Coimbatore.

3. The Revenue Divisional Officer,
Tirupur,
Coimbatore District.

4. Shanmugam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari to call for the records from the first respondent herein in relating to his proceeding D.Dis/K4/18022/04, dated 21.03.2005 and quash the same.

For Petitioner : Mr.V.Venkatasamy

For R1 to R3 : Mr.T.Chezhiyan
Additional Government Pleader

For R4 : Mr.S.Thangavel

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of certiorari to call for the records from the first respondent herein in relating to his proceeding D.Dis/K4/18022/04, dated 21.03.2005 and quash the same.



2. The case of the petitioner is that the second petitioner and fourth respondent are none other than brother and sister who are the children of one Late Palaniappa Gounder. Originally, the property was owned by Palaniappa Gounder. The said Palaniappa Gounder came in possession of the suit land by way of settlement deed No.135/56, dated 06.02.1956 executed by one Velakkal. Thereafter, Palaniappa Gounder sold the property to Arumugha Gounder by a sale deed No.23/1960 and repurchased it through a sale deed No.23/1964. Since then, the property was in possession of Palaniappa Gounder. In 1974, palaniappa Gounder settled the suit property in the names of respondents by a registered deed No.860/74, dated 03.07.1974 who is none other than the son and daughter of Palaniappa Gounder. During the Natham Settlement Scheme, the 4th respondent had obtained patta by suppressing the Settlement Deed. When it was came to the knowledge of the petitioners, they made application before the 3rd respondent for cancellation of patta. The 3rd respondent after due consideration of relevant materials, had cancelled the patta granted in favour of the 4th respondent. The matter was taken on appeal by the fourth respondent to the Revenue Divisional Officer, Tirupur, who by his order dated 05.05.2003, canceled the patta on the grounds that patta was wrongly granted in favour of the fourth respondent, in suppression of the settlement deed dated 03.07.1974. Aggrieved by the Revenue Divisional Officer's order, the fourth respondent filed a revision petition to the District Revenue Officer, Coimbatore. The District Revenue Officer has confirmed the order of the Revenue Divisional Officer. Challenging the same, the 4th respondent filed a revision petition before the first respondent and in the meantime also filed O.S.No.126/2003 on the file of the District Munsif Court, Palladam, for declaration of his title to the Suit Property, which is still pending. The first respondent in the revision petition, directed the revenue officials to record as 'held over' in the village accounts till the disposal of the suit. Aggrieved by the said order, the present petition is filed.

3. Though very many grounds have been raised, the learned counsel appearing for petitioner submitted that this Court may permit the petitioner to file appropriate petition, after the disposal of the Suit.

4. The Learned Additional Government Pleader appearing on behalf of the respondents have no serious objection for the said order being passed.

5. Considering the facts and circumstances of the case and further in view of the limited request sought for by the petitioner, this court is not inclined to interfere with the order passed by the Revenue authorities, however, liberty is



granted to the petitioner and the fourth respondent to make appropriate application before the revenue authorities after the disposal of the Suit in O.S.No.126 of 2003, before the Civil Court.

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6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Psa/Sk

To

1. The Special Commissioner & Commissioner
of the Land Administration,
Chepauk,
Chennai-600 005.
2. The District Revenue Officer,
Coimbatore.
3. The Revenue Divisional Officer,
Tirupur,
Coimbatore District.

+1cc to Mr.V.Venkatasamy, Advocate, S.R.No.9340

+1cc to Mr.S.Thangavel, Advocate, S.R.No.9341

+1cc to the Government Pleader, S.R.No.9908

W.P. No.23449 of 2005

SR(CO)
SU(17/03/2022)