

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8358 OF 2020

AND

W.M.P.NO.10035 OF 2020

P.Velliyangiri

...Petitioner

Vs.

- 1.The District Revenue Officer,
Tiruppur, Tiruppur District.
- 2.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
- 3.The Tahsildhar,
Tiruppur Taluk,
Tiruppur District.
- 4.Rathinasamy
- 5.Lakshmi
- 6.Srikanth
- 7.N. Nirmala Devi
- 8.Sivakami

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.15952/2016/J1 dated 18.02.2019 quash the same and consequently directing the first respondent to cancel the patta issued infavour of 4th to 8th respondents within stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.M.Dinesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1 to R3
Mr.K.Govi Ganesan for R4 to R7
M/s.P.Valliappan for R8

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.15952/2016/J1 dated 18.02.2019 quash the same and consequently directing the first respondent to cancel the patta issued infavour of respondents 4 to 8 within stipulated time fixed by this Court.

2.The petitioner claim that he is the owner of the disputed property, however, the Revenue Officials transferred patta in favour of the private respondents. Challenging the same, the petitioner approached the Revenue Officials, however, the Revenue Officials rejected the request of the petitioner. Therefore, he preferred appeal before the first respondent, however, his appeal was also rejected. Hence, this writ petition.

3.The learned counsel appearing for the respondents 4 to 7 submitted that for the very same issue, already the fourth respondent filed suit in O.S.No.234 of 2009 on the file of the District Munsif Court, Tiruppur, for declaration and the said suit was decreed in his favour. Challenging the same, the petitioner has preferred appeal. When such being the position, the impugned order warrants no interference.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.The facts in the present case is not in dispute. The petitioner approached the Revenue Officials for cancellation of patta granted in favour of the private respondents, however, his request was rejected. Challenging the same, the petitioner preferred appeal before the first respondent, however, his appeal was also rejected.

6.Further, the fourth respondent filed suit in O.S.No.234 of 2009 on the file of the District Munsif Court, Tiruppur, for declaration and the said suit was decreed in his favour. Challenging the same, the petitioner has preferred appeal. When such being the position, the prayer sought for in this writ petition cannot be granted.

7.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to make fresh application before the Revenue Officials for patta, if he succeeds in the

appeal. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Tiruppur,
Tiruppur District.
2. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.
3. The Tahsildhar,
Tiruppur Taluk,
Tiruppur District.

+1cc to Mr.M.Dinesh, Advocate Sr.No.37370

+1cc to Mr.P.Valliappan, Advocate Sr.No.37565

+1cc to Mr.K.Govi Ganesan, Advocate Sr.No.37867

+1cc to the Government Pleader Sr.No.38230

W.P.No.8358 of 2020
And
W.M.P.No.10035 of 2020

SV(CO)
RVM(19/07/2022)