



WEB COPY



WP.No.40541 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.40541 of 2016
and W.M.P.No.34562 of 2016

R.Nanjaiyan (Deceased)
N.Subbulakshmi
(Legal heir impleaded in W.M.P.No.28351 of 2021
in W.P.No.40541 of 2016 vide order dated 08.11.2022 by this Court.)
.. Petitioner

Versus

1.The District Collector
Office of the Coimbatore Collector
Coimbatore

2.The District Revenue Officer
Office of the Coimbatore Collector
Coimbatore

3.The Tahsildar
Annur Taluk
Coimbatore District

4.R.Veluchamy

5.Karunaiammal

6.Lakshmanan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent relating to the Order dated 28.10.2016 passed in Na.Ka.No.5413/2016/E1, quash the same.



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For Petitioner : Mr.B.R.Shankaralingam

For Respondents : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader
Mr.J.D.Srikanth Varma for R4
R4 – Tapal returned

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ORDER

This writ petition is filed challenging the order of the second respondent dated 28.10.2016 passed in Na.Ka.No.5413/2016/E1 and quash the same.

2.The case of the petitioner is that the petitioner claims to be the owner of the lands comprised in S.Nos.296-1A & 296/1B situated in Narayanapuram Village, Annur Taluk which was originally owned by Sri Ranganna Gounder allotted under the UDR scheme which was subsequently mutated in favour of the petitioner's father. The petitioner and the respondents 4, 5 and 6 are the legal heirs of the petitioner's father. The petitioner's father during his lifetime has mutated the revenue records of the subject property in favour of the petitioner and the petitioner has subsequently executed a settlement deed setting in favour the petitioner's two sons and daughter. While so, after a period of 29 years, the fourth respondent made a complaint before the second respondent and on conducting enquiry, the second respondent passed orders on 28.10.2016, which is impugned herein, directing



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the third respondent to include the fourth respondent's name in the patta of the subject property. Challenging the said order, this writ petition is filed.

3. The learned counsel for the petitioner submitted that during the pendency of this writ petition, the other legal heirs has filed a partition suit against the petitioner. Though the suit was dismissed for default, there was a compromise entered into between the petitioner and the other legal heirs. Hence, seeks this Court to set aside the impugned order and remand the matter back to the respondents officials for fresh consideration .

4. Heard both sides and perused the materials placed on record. Admittedly, the facts of the present case are not in dispute. The second respondent has passed the impugned order directing the third respondent to include the name of the fourth respondent in the subject patta. However, considering the fact that the petitioner and other legal heirs have entered into compromise, this Court holds good to set aside the impugned order passed by the second respondent and the matter is remitted back to the second respondent for fresh consideration. This Court directs the third respondent to verify whether the petitioner and other legal heirs have entered into compromise and file a report before the second respondent and the second



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respondent shall take up the said report and pass appropriate orders on merits and in accordance with law after providing opportunity of hearing to the petitioner and other legal heirs within a period of twelve weeks from the date of receipt of a copy of this Order. If no compromise arrived in between parties, the impugned order will be restored and petitioner has to work out the remedy before the Civil Court for appropriate relief.

5. With the above directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2022

dhk

Index: Yes/No

Internet: Yes/No

To

1. The District Collector
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M. DHANDAPANI, J.



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