



W.P.No.22291 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

W.P.No.22291 of 2022

and

WMP.No.21325 of 2022

R.Madhanagopal

...Petitioner

Vs.

1. The District Collector,
Coimbatore District.
2. The Sub Collector,
O/o. The Sub Collector,
Pollachi, Coimbatore District.
3. Renuga Devi
4. R.Kumaresan
5. Kasturi

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the proceedings in Na.Ka.No.2427/2022/A3 dated 05.08.2022 issued by the 2nd respondent herein and quash the same as illegal, unsustainable.

For Petitioner : Mr.R.Govindaraj



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For Respondents : Mr.T.K.Saravanan, GA, for R1 & R2

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorari to call for the records of the 2nd respondent in respect of the proceedings in Na.Ka.No.2427/2022/A3 dated 05.08.2022 and quash the same.

2. The case of the petitioner is that his grandfather namely, Lakshmana Gowder executed a Settlement Deed dated 27.01.2004 bearing Doc.No.209/2004 in favour of the petitioner in respect of the lands comprised in Ward No.2, Town S.Nos.748, 747, 746, 754/2, situated at Pollachi, Coimbatore District, pursuant to which, the revenue records in respect of the subject lands were mutated in favour of the petitioner and he is in absolute possession and enjoyment of the same by doing cultivation. While so, at the instigation of the private respondents, the said Lakshmana Gowder cancelled the earlier settlement deed dated 27.01.2004, vide cancellation deed Doc.No.2449/2008 dated 22.08.2005. Immediately after knowing the same, the petitioner filed a suit in O.S.No.463 of 2008 on the



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file of the District Munsif Pollachi, challenging the above said cancellation deed dated 22.08.2005 and the same was transferred to Sub Court, Pollachi and the same was renumbered as O.S.No.218 of 2011 and subsequently, the private respondents herein have also filed a suit in O.S.No.156 of 2009 on the file of Sub Court, Pollachi, seeking to cancel the settlement deed dated 27.01.2004 executed in favour of the petitioner and both the above said suits are pending. While such being the case, the respondents 3 to 5 have approached the 2nd respondent, seeking to cancel the patta issued in favour of the petitioner and subsequently, the petitioner was called upon for enquiry on 05.08.2022 and accordingly, the petitioner appeared before the 2nd respondent and made a petition dated 06.08.2022 under RTI Act, seeking to furnish the copy of the petition made by the private respondents, however, the petitioner was not furnished with the copy of the same and subsequently, the 2nd respondent, vide proceedings bearing Na.Ka.No.2427 /2022/A3 dated 05.08.2022, directed the petitioner to appear for another round of enquiry on 17.08.2022 and in compliance of which, the petitioner appeared before the 2nd respondent and again sought for the copy of the petition made by the private respondents, however, the 2nd respondent refused to furnish the same. Hence, aggrieved by the action of the 2nd



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respondent, the petitioner has filed this Writ petition, challenging the proceedings of the 2nd respondent dated 05.08.2022.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, they fairly conceded that, even though, the said Lakshmana Gowder has executed a Settlement Deed dated 27.01.2004 bearing Doc.No.209/2004 in favour of the petitioner in respect of the subject lands and the revenue records were also mutated in favour of the petitioner, subsequently, the said Lakshmana Gowder has cancelled the said settlement, vide cancellation deed dated 22.08.2005, even then, the patta in respect of the subject lands standing in the name of the petitioner is not sustainable.

5. In view of the aforesaid submissions, this Court, without interfering with the order under challenge, is inclined to dispose of the present Writ petition with the following directions.



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(i) When the suits in respect of the very same issue are pending, the same cannot be adjudicated by the revenue officials, hence, the revenue officials are directed to defer with the enquiry proceedings till the disposal of the above said suits, filed by the petitioner and the private respondents respectively.

(ii) The 2nd respondent and the jurisdictional Tahsildar are directed to restore the patta in respect of the subject lands in the name of the said Lakshmana Gowder.

(iii) The Trial Court, where the suits are pending, is directed to adjudicate the issue and pass appropriate orders, without being influenced by any of the observations made by the revenue officials, as expeditiously as possible.

(iv) After disposal of the above said suits, liberty is granted to the succeeding party to file appropriate application before the revenue officials for mutation of revenue records in their favour.

6. With the above observations and directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.



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Speaking Order : Yes/ No
Index : Yes/ No



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12.10.2022
(1/2)

M.DHANDAPANI, J.

skt

To

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O/o. The Sub Collector,
Pollachi, Coimbatore District.

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