



W.P.No.6913 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6913 of 2017 and
W.M.P.Nos.16705 and 7507 of 2017

N.K.Kaliappan

... Petitioner

VS.

1. The District Revenue Officer,
Coimbatore District,
Coimbatore.

2. Vijayakumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the order dated 21.12.2016 passed by the first respondent in Na.Ka.No.17596/2014/E1, quash the same.

For Petitioner : Mr.S.Vinoth Kumar (No appearance)

For R1 : Mr.U.Bharanidharan
Additional Government Pleader

For R2 : M/s.S.V.Pravin Rathinam



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to quash the proceedings of the first respondent dated 21.12.2016 in Na.Ka.No.17596/2014/E1.

2. It is claim of the petitioner that he is the owner of the property in S.F.Nos.283/1 and 284/1B and 284/2 to an extent of 4.15 acres situated in Vellakinar Village, Coimbatore District, Coimbatore and he is running a textile unit in the aforesaid property for the past 16 years. The second respondent filed a suit for permanent injunction against the petitioner in O.S.No.2443 of 2008 on the file of District Munsif Court, Coimbatore and the said suit was dismissed for default vide order dated 15.07.2014. The second respondent made a representation before the first respondent for cancellation of patta issued in favour of the petitioner pursuant to which, the first respondent cancelled the patta issued in favour of the petitioner vide impugned order dated 21.12.2016. Challenging the same the present writ petition was filed.

3. Though none appeared on behalf of the petitioner today, taking into consideration the long pendency of the matter before this Court and the



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limited relief sought for by the petitioner, the matter is taken up for final hearing.

4. Learned counsel appearing for the respondents submits that as per the document, the petitioner owns the properties in S.Nos.283/1B and 284/2 only to an extent of 3.75 acres out of 4.15 acres and the second respondent is in possession of S.Nos.283/1A and 284/1 to an extent of 0.90 acres by virtue of gift settlement deed dated 07.01.1999. Since the petitioner fraudulently obtained patta in respect of the entire extent of 4.15 acres including the second respondent's property during the U.D.R. re-survey, the second respondent preferred an appeal before the first respondent to cancel the patta issued in favour of the petitioner and to issue fresh patta as per the documents, pursuant to which, the first respondent vide order dated 21.12.2016 cancelled the patta which was wrongly issued during the U.D.R. Re-survey and directed to grant fresh patta as per the sale deed in favour of the petitioner to an extent of 3.75 acres and as per the Gift Settlement Deed in favour of the second respondent to an extent of 0.90 acres. Hence, the impugned order cannot be found fault with. Therefore, he prayed for



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dismissal of the present writ petition.

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5. Considering the submission advanced and taking into consideration the documents and upon a careful perusal of the impugned order it reveals that the first respondent has not held either in favour of the petitioner or in favour of the second respondent. That being the case, this Court is unable to understand the reason for filing the present writ petition. More so, the suit filed by the second respondent in O.S.No.2443 of 2008 on the file of District Munsif Court, Coimbatore for permanent injunction was dismissed for default on 15.07.2014 and it appears that the second respondent has not taken any steps to restore the said suit. Hence, the impugned order passed by the first respondent needs no interference of this Court and the writ petition is dismissed for the aforesaid reasons. No costs. However, liberty granted to the petitioner to work out the remedy in the manner known to law. Consequently connected miscellaneous petition are closed.

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RAP

Index : Yes/No

Speaking order : Yes/No



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To:
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The District Revenue Officer,
Coimbatore District,
Coimbatore.

M.DHANDAPANI, J.



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RAP

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