



W.P.No.29110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

W.P.No.29110 of 2022

E.S. Palanisamy

...Petitioner

Vs.

1. The District Collector,
Collectorate Building, Coimbatore
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Coimbatore South.
3. The District Revenue Officer,
Collectorate Building, Coimbatore.
4. The Tahsildar,
Office of the Tahsildar, Soolur.
5. Pappathi.
6. Mayangathal
7. Maheswari
8. Pushpavathy
9. R. Karuppusamy



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10. Balamani

11. P. Sivakumar

12. P. Kalamani

13. P. Giriraj

14. P. Selvaraj

15. P. Ganapathiammal

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 29.08.2022 seeking for cancellation of patta issued by the 4th respondent in favour of the respondent 5 to 15 in respect of patta Nos. 857, 173 and 448 Karumathapatti Post, Soolur Taluk, Coimbatore and restore the patta infavour of the predecessors in title and pass orders.

For Petitioner : Mr.N. Umapathi

For Respondents 1-4: Mr.U. Baranidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition directing the first respondent to consider the petitioner's representation petitioner dated 29.08.2022 and pass orders.



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2. The learned Additional Government Pleader takes notice for the official respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is passed against the private respondents notice to private respondents dispensed with.

4. The case of the petitioner is that the petitioner and the respondents 5 to 15 have right over the subject property as they are the legal heirs of the subject property and there was some property dispute among them. Whiles, the Respondents 5 to 15 filed a suit in O.S.No.572 of 2011 before the Additional District Judge, Coimbatore seeking for partition and by Judgment dated 11.07.2017 preliminary decree was passed. Aggrieved over the same, the petitioner and others filed an Appeal in A.S.No.269/2018 before this Court and this Court granted interim stay for passing final decree in C.M.P.No.5675 of 2018 in A.S.No.269 of 2018 dated 17.06.2018. Pursuant to which the respondents 5 to 15 have mutated the patta in their favour. Hence the petitioner gave representation to the 2nd respondent on



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19.08.2022 seeking for cancellation of patta but the same was not considered till dated. Hence this petition.

5. The learned counsel appearing for the petitioner submitted that the Revenue Authorities have not obeyed the interim order granted by this Court and mutated the records. Hence he prays this Court for appropriate orders.

6. In view of the above it is made clear that the first appeal is pending before this Court. It is also seen that when the case is pending either before the High Court or before the Competent Civil Court, the Revenue Authorities should not make any correction in the revenue records. However, it is the contention of the petitioner that there was mutation of Revenue Records by the revenue authorities despite the suit is pending. Therefore, this Court is of the opinion that the mutation of Revenue Records in favour of the respondents 5 to 15 are subject to the out come of the first appeal filed before this Court. However the petitioner is directed to file a fresh petition regarding the mutation of Revenue Records after disposal of the appeal suit pending before this Court.



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Speaking Order : Yes/ No
Index : Yes/ No

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3. The District Revenue Officer,
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4. The Tahsildar,
Office of the Tahsildar, Soolur.



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M.DHANDAPANI,J.

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