



W.P.No.16583 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.16583 of 2017
and W.M.P.No.17953 of 2017

A.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Coimbatore,
Coimbatore District.

2.The District Revenue Officer,
Coimbatore,
Coimbatore District.

3.The Revenue Divisional Officer,
Cum Executive Magistrate,
Coimbatore South,
Coimbatore District.

4.The Tahsildar,
Perur,
Coimbatore District.

5.T.M.Nataraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,



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praying for issuance of Writ of Certiorari calling for the records pertaining to the impugned order dated 09.05.2017 in Na.Ka.8798/2016/E1, on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.C.R.Prasanan

For Respondents 1 to 4 : Mr.T.K.Saravanan,
Government Advocate

For Respondent 5 : Mr.K.Myilsamy

ORDER

The petitioner has filed this writ petition for issuance of Writ of Certiorari calling for the records pertaining to the impugned order dated 09.05.2017 in Na.Ka.8798/2016/E1, on the file of the 2nd respondent herein and quash the same.

2. The case of the petitioner is that the petitioner claims that he is owner of the property comprised in S.F.No.297/7 measuring to an extent of 2.40 acres situated at Theethipalayam Village, Perur Taluk, Coimbatore District. This being the case, the fifth respondent made an alleged petition before the fourth respondent/Tahsildar, claiming that his name was not reflected in the joint



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patta in S.F.No.297/7 and later, the said land was subdivided into S.F.Nos.297/7A and 297/7B and patta for the lands in S.F.No.297/7A was issued in favour of fifth respondent and in regard to S.F.No.297/7B, the patta was issued in favour of petitioner as well as the fifth respondents and ten others. Aggrieved over the same, the petitioner preferred an appeal before the third respondent/The Revenue Divisional Officer to set aside the sub division. Meanwhile, the fifth respondent filed a suit in O.S.No.1676 of 2015 for declaration of the title and permanent injunction. Thereafter, the third respondent/The Revenue Divisional Officer, after conducting an enquiry on the appeal preferred by the petitioner, remanded the matter back to the fourth respondent/Tahsildar with a direction to consider the documents of both sides and pass appropriate order. Subsequent to the said direction, the fourth respondent/Tahsildar passed an order dated 22.02.2017. Challenging the said order, the fifth respondent filed a revision petition before the second respondent/District Revenue Officer. The second respondent /District Revenue Officer passed an order dated 09.05.2017 by refusing to entertain the patta transfer and directed the parties to approach the Revenue authorities after the disposal of the suit in O.S.No.1676 of 2015. Challenging the same, the



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petitioner has filed this present writ petition with the aforesaid prayer.

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3. Learned counsel for the fifth respondent would submit that the suit in O.S.No.1676 of 2015 on the file of the I Additional District Munsif Court, Coimbatore has already been decreed in favour of the fifth respondent on 14.10.2022. Hence, the learned counsel prayed this Court to dismiss this writ petition as infructuous.

4. Per contra learned counsel for the petitioner would submit that the petitioner has taken effective steps to prefer an appeal as against the order made in O.S.No.1676 of 2015 dated 14.10.2022 passed by the I Additional District Munsif Court. Hence, he prayed this Court to grant liberty to the petitioner to file a fresh application, subject to the result of the appeal suit.

5. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the fifth respondent and perused the materials available



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on record.

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6. Recording the submission made by the learned counsel for the petitioner, this writ petition stands dismissed and this Court grants liberty to the petitioner to file a fresh application, if he succeed the appellate Court proceedings. No costs. Consequently, connected miscellaneous petition is closed.

18.11.2022

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Index : Yes/No

Speaking Order : Yes/No

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Coimbatore District.
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Coimbatore District.

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4.The Tahsildar,
Perur,
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M.DHANDAPANI,J.

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