



W.P.No.16069 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

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R. Thirumoorthi

... Petitioner

Versus

1. The District Revenue officer/Additional District Magistrate,
Coimbatore.

2. The Revenue Divisional Officer,
Coimbatore.

3. The Tahsildar,
Annur Taluk,
Annur, Coimbatore District.

4. K. Poovathal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorified Mandamus, to call for the records of 1st Respondent order in Proceeding No.Ni.Mu. 19958/2013/A1 dated 09.02.2018 and quash the same and direct the 3rd respondent to delete the name of the 4th respondent from Patta No.593 pertaining to lands in SF.Nos.707 and 708 of Annur village.



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For Petitioners : Mr. S. Arjun
For Respondents : Mr. P. Gurunathan AGP (for R1 & R3)
: Mr. S.S. Mathivanan (for R4)

ORDER

This Writ Petition is filed challenging the proceedings dated 09.02.2018 passed by the first respondent and direct the third respondent to delete the name of the fourth respondent from Patta No.593 pertaining to lands in S.F. Nos.707 and 708 respectively, at Annur Village in Coimbatore District.

2. The main contention of the petitioner is that as per the Tamil Nadu Patta Pass Book Act, 1983, the compliance has to be made and appropriate orders be passed, based on the application made by the petitioner herein / private fourth respondent herein.

3. It is seen that the second respondent has straight away considered the application made by the fourth respondent and the second respondent, without any jurisdiction, has entertained the application made



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by the fourth respondent and passed the order dated 28.06.2013.

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Challenging the same, the petitioner approached the first respondent by way of revision in R.P.No.19558 of 2013. The first respondent did not consider the legal provisions that the third respondent alone is the competent authority to take up the matter regarding the issuance of Patta or transfer of Patta, but, in the instant case, the second respondent has passed the impugned order. Therefore, the petitioner is before this Court, challenging the order passed by the first respondent dated 09.02.2018, and he also sought direction to the third respondent to delete the name of the fourth respondent from Patta No.593 pertaining to the lands in S.Nos.707 & 708 respectively of Annur Village.

4. Though the Writ Petitioner has stated that a Civil Suit in O.S.No.559 of 2012 on the file of the First Additional District Judge, Coimbatore, seeking partition of the above mentioned properties, is pending, the second respondent had passed the order dated 28.06.2013 for the inclusion of the fourth respondent's name in Patta No.593. Thereafter, the very same parties filed an A.S.No.351 of 2015 before this Court and Cross Objection, which are pending before this Appellate Court, and



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therefore, it has to be decided by this Court being Appellate Court and it is not within the purview of authorities concerned.

5. The learned counsel for the petitioner also submitted that the impugned order has nothing to do with the said suit. The impugned order does not have any link relating to the disposal of the said suit.

6. Under the above circumstances, it is to be noted that the second respondent has no authority to take up the matter straightaway to consider the representation dated 21.09.2012 of the fourth respondent and the second respondent pass the orders, but, it has to be routed through only the Tahsildhar concerned, who shall thereafter pass the orders.

7. The second respondent shall take up the matter by way of appeal and not as the original authority, since in this matter, even the Civil Court has passed orders and the petitioners would not have any prejudice over the order.



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8. Under such circumstances, the petitioner as well as the fourth respondent shall approach the Civil Court concerned, and they are directed to work out their remedy in the pending First Appeal before this Court.

9. With the above directions, the Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

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To:

1. The District Revenue Officer/Additional District Magistrate,
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2. The Revenue Divisional Officer,
Coimbatore.
3. The Tahsildar,
Annur Taluk, Annur,
Coimbatore District.



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P. VELMURUGAN, J.

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