



WA No.2558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.2558 of 2023
and C.M.P.No.21592 of 2023

1.R.Surendar
2.N.Udayachander
3.N.Jayachandar

.. Appellants

-VS-

1. The Sub Collector,
Pollachi,
Coimbatore District.
2. The Tahsildar,
Pollachi Taluk,
Coimbatore Distirct.
3. Arulmiyu Ammaneeswaraswamy Thirukovil
Rep by its Executive Officer, Karapadi,
Moolanur, Pollachi Taluk,
Coimbatore District.
4. Arulmiyu Varadarajaperumal Thirukovil,
Rep by its Executive Officer, Moolanur
Pollachi Taluk, Coimbatore District
5. S.Sruthi



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6. S.Swathi
Respondents

..

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 20.09.2021 passed in W.P.No.33413 of 2015.

For the Appellants : Mr.S.Thirumavalavan
For the Respondents : Mr.T.K.Saravanan
Government Advocate
for RR 1 & 2
: Mr.NRR.Arun Natarajan
Spl.Government Pleader
For RR 3 and 4
: Service awaited for RR 5 & 6

* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Thirumavaalavan, learned counsel for the appellants, Mr.T.K.Saravanan, learned Government Advocate for the respondent Nos. 1 and 2 and Mr.NRR.Arun Natarajan, learned Special Government Pleader for respondent Nos.3 and 4.



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2. The appellants/petitioners had filed writ petition bearing W.P.No.33413 of 2015 thereby challenging the order dated 20.08.2015 passed by the Sub-Collector, Pollachi, cancelling patta.

3. The learned Single Judge under the impugned order has observed that it is open to the writ petitioners to assail the impugned order in the first writ petition in a manner known to law if so advised and if that be so. Likewise, the questions pertaining to title are left open.

4. It is submitted that the District Revenue Officer has now initiated the enquiry. The impugned order is of the year 2015. The learned counsel for the appellants and the respondents do not dispute that the said order of the Sub-Collector of the year 2015 is appellable order. The learned Single Judge has also granted liberty to the appellants to assail the said order. According to the learned counsel for the appellants, now the appellants would file an appeal against the order of the Sub-Collector passed in the year 2015. However, the



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benefit of limitation on account of pendency of the writ petition be accorded to the appellants.

5. If the appellants file an appeal within fifteen days from today, then the same would be construed within limitation. We have observed so as the writ petition challenging the said order was pending since the year 2015.

6. Needless to state, the contentions of the respective parties are kept open.

The writ appeal is accordingly disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

07.12.2023

Index : Yes/No

Neutral Citation : Yes/No

sra



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Molanur, Pollachi Taluk,
Coimbatore District.
4. The Executive Officer, Moolanur
Arulmiyu Varadarajaperumal Thirukovil,
Pollachi Taluk, Coimbatore District



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

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