



W.P.No.25784 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.25784 of 2021

&

WMP.Nos.27241 & 27242 of 2021

Immanuel John

...

Petitioner

/vs/

1.The Collector,
The Nilgiris District.

2.The District Revenue Officer,
Uthagamandalam,
The Nilgiris.

3.The Revenue Disvision Officer,
Coonoor.

4.The Tahsildar,
Kothagiri.

5.The Sub Registrar,
Kothagiri, Kothagiri Taluk,
Nilgiris District.

6.Padmini @ Gowri

7.B.Manoharan

8.M.Mohan

9.K.Krishnan

...

Respondents



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PRAAYER : The writ petition has been filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records of the second respondent order dated 23.08.2021 issued in proceeding No.U5/5727/2020 and quash the same and consequently, direct the fourth respondent herein to pass orders restoring the petitioner's patta No.3649 relating to his ownership of 30 cents of land comprised in S.No.741/1 B in Nadhuhatty Village, Kotagiri Taluk, Nilgris District, within a time – frame that may be stipulated by this Hon'ble Court in the light of order dated 01.03.2018 in O.S.No.13/2014 Hon'ble District Munsif Court, Kotagiri as confirmed in order dated 16.08.2019 in Appeal Suit No.21/2018 by the Subordinate Judge at Coonoor.

For Petitioner	... Mr.D.Daniel
For Respondent Nos.1 to 5	... Mr.P.Gurunathan Additional Government Pleader
For Respondent Nos.6 to 9	... Mr.V.Anandhamurthy

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent order dated 23.08.2021 issued in proceeding No.U5/5727/2020 and quash the same and consequently, direct the fourth respondent herein to pass orders



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restoring the petitioner's patta No.3649 relating to his ownership of 30 cents of land comprised in S.No.741/1 B in Nadhuhatty Village, Kotagiri Taluk, Nilgris District, within a time – frame that may be stipulated by this Court, in the light of order dated 01.03.2018 in O.S.No.13/2014 District Munsif Court, Kotagiri as confirmed in order dated 16.08.2019 in Appeal Suit No.21/2018 by the Subordinate Judge at Coonoor.

2.The learned counsel appearing for the petitioner submitted that, earlier the petitioner has filed the suit in O.S.No.13 of 2014 for declaration and injunction and also the settlement deed No.1299/11 is not valid. Though the suit was dismissed, the Court recognised his right as a joint owner. During pendency of the suit, without considering the representation made by the petitioner, patta was issued in the name of the private respondents and therefore, he filed the appeal before District Revenue Officer against the order passed by the third respondent and the said appeal was also dismissed without considering the right of the writ petitioner and also the decree passed in O.S.No.13/2014. Hence, the present writ petition has been filed.



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3.The learned Additional Government Pleader appearing for the respondents 1 to 5 as well as the learned counsel appearing for the respondents 6 to 9 submitted that the said suit was dismissed and therefore, the writ petitioner is not entitled to the relief sought for in the writ petition.

4.I have considered the matter in the light of the submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the respondents 6 to 9 and perused the materials available on record.

5.On a perusal of the materials available on record, it is seen that admittedly, the writ petitioner filed the suit in O.S.No.13 of 2014 and the said suit was dismissed, however, the trial Court has recognised his title as joint owner and liberty has also been given for getting his share in the manner known to law and without noting the same, the impugned order has been passed by the 2nd respondent, since the judgment and decree passed in O.S.No.13 of 2014 was challenged by the defendants therein and also the



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finding given by the Civil Court regarding the share in the property. Under these circumstances, the impugned order passed by the 2nd respondent dated 23.08.2021 in proceeding No.U5/5727/2020 is liable to be set aside and the patta exclusively granted in the name of the private respondents excluded the name of the petitioner which is also liable to be set aside. The Revenue Authorities are directed to include the petitioner's name in the patta, however, the parties are directed to workout their remedy regarding the share only in the manner known to law before the civil Court.

In view of the above, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Speaking Order : Yes/No
Neutral Case Citation: Yes/No
sms

15.11.2023

To

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The Nilgiris District.



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2.The District Revenue Officer,
Uthagamandalam,
The Nilgiris.

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4.The Tahsildar,
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5.The Sub Registrar,
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P.VELMURUGAN,J.

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