



WEB COPY



W.A.No.2703 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.No.2703 of 2022
and C.M.P.No.21976 of 2022

K.Shanmukhasundaram .. Appellant

Versus

1. The District Revenue Officer-cum-
Additional Executive Magistrate,
Coimbatore.
2. The Sub-Collector,
Pollachi,
Coimbatore District.
3. V.S.Baba Ramesh .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 08.07.2022 in W.P.No.2412 of 2020.

For Appellant : Mr.C.Iyyapparaj

For Respondents : Mr.P.Muthukumar,
State Government Pleader
for RR-1 and 2



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: Mr.P.Saravana Sowmiyan, for R3



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JUDGMENT

D.BHARATHA CHAKRAVARTHY, J.

This Writ Appeal is filed aggrieved by the order of the learned Single Judge, dismissing the Writ Petition, in and by which, the appellant challenged an order of transfer of patta.

2. On a perusal of the affidavit filed in support of the Writ Petition and material records of the case and upon hearing the learned Counsel for the appellant, it can be seen that the appellant claimed right over the property as an agreement holder. However, his suit, for specific performance, in O.S.No.206 of 2010 on the file of the Sub Court, Pollachi, is dismissed and an Appeal Suit, in A.S.No.111 of 2018, on the file of the I Additional District Court, Coimbatore, is pending. Similarly, the appellant also claims to be a cultivating tenant in respect of the property. Even though records of filing of a petition on 16.08.2011 is produced, even after lapse of more than 10 years, no order whatsoever relating to record of tenancy is also produced. Therefore, as on date, the appellant is not able to canvass any right in respect of the subject matter property and therefore, the learned Single Judge has rightly rejected the Writ Petition challenging the transfer of patta in respect of the property.



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3. Accordingly, finding no merits, this Writ Appeal stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(T.R., ACJ.)

(D.B.C., J.)

04.01.2023

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

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D.BHARATHA CHAKRAVARTHY, J.,**

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