



W.P. No.29288 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.29288 of 2022
and
W.M.P. No.28582 of 2022
and
W.M.P. No.2341 of 2023

Mr.S. Muruganadhan

... Petitioner

Vs

1. The Executive Magistrate
cum Sub Collector,
Office of the Sub Collector,
Palakadu Road,
Pollachi – 642 001.

2. Inspector of Police,
Pollachi Police Town East Station,
Pollachi – 642 001.

3. K.N. Bagawathi

4. Dr.S. Panjalingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records relating to



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the impugned order passed by the 1st respondent in O.M. 1949/2022/A1, dated 05.07.2022 and quash the same.

For Petitioner : Mr.S. Karthikei Balan

For Respondents : Mr.Santhanaraman for R3 & R4

ORDER

This writ petition has been filed to call for the records relating to the impugned order passed by the 1st respondent in O.M. 1949/2022/A1, dated 05.07.2022 and quash the same.

2. It is the case of the petitioner that he is in possession and enjoyment of the property situated at Town Survey Number 686/2, 687, 689/1, 691, Pollachi, Coimbatore District. The said property was originally purchased from Krishnasamy Gounder vide Document No.1963 of 1949 and the District Office of his political party is functioning in the said place for several decades. Due to some clashes between other political party members, he lodged a complaint before the 2nd respondent in CSR No.32 of 2020 as well as sought for police protection from grabbing the aforesaid property by others. After scrutiny of documents relating to the subject property by the 2nd respondent, the matter has been referred to the 1st



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respondent, who in turn passed the impugned order, directing the 2nd respondent to handover the key of the disputed property to the 3rd respondent. Aggrieved by the same, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that before passing of the impugned order, the 1st respondent neither considered the documents which stands in the name of the petitioner with regard to the subject property nor conducted an enquiry. Further, he submitted that patta has been granted in favour of the respondents 3 and 4 for which, the petitioner has preferred an appeal before the Revenue Divisional Officer. During the pendency of the said appeal, the revenue officials have now decided to hand over the key in favour of the 3rd and 4th respondents, which is arbitrary and unsustainable. Though a larger relief is claimed raising very many grounds however, at the time of arguments, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the Revenue Divisional Officer to dispose of the said appeal, within a time frame to be fixed by this Court, though he is not a party in this petition.

4. The learned counsel appearing for the respondents 3 and 4 has no objection for said order being passed.

5. The facts in the case are not in dispute. It is an admitted fact that



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originally at the time of purchasing the subject property, it was enjoyed by the undivided congress leaders. Subsequently due to split-up, certain disputes arose. However, it is the case of the petitioner that the respondents 3 and 4 have obtained patta in the year 2020 and thereafter on passing of the impugned order, the official respondents are intending to hand over the key of the subject property to the 3rd and 4th respondents. It is further seen that aggrieved by the issuance of patta in favour of the 3rd and 4th respondents, the petitioner has preferred an appeal before the jurisdictional Revenue Divisional Officer, whereas, the impugned order has been passed by the sub Collector. This Court is of the considered view that only subject to the result of the appeal filed by the petitioner, the authorities would be in a position to handover the key to the succeeding party. As there are disputes involved in respect of the subject property, the recourse available to the petitioner is to approach the competent Civil Court, but instead, he has approached this Court exercising jurisdiction under Article 226 of the Constitution of India.

6. In the above circumstances, in view of the limited relief sought for by the petitioner, without going into the merits of the case, directs the Revenue Divisional Officer, Pollachi Taluk to dispose of the appeal



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pending before him, within a period of six weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner as well as the respondents 3 and 4. The concerned authority shall pass appropriate orders on merits and in accordance with law, without in any being influenced by the observations made in the impugned order or in this writ petition. This Court further directs that till the disposal of the appeal filed by the petitioner, the authorities concerned shall not hand over the key of the property in dispute either to the petitioner or to the 3rd and 4th respondents. Also, it is made clear that the authorities concerned shall handover the key of the subject property to the succeeding party in the appeal. However, liberty is granted to the petitioner to agitate his issue and before the competent Civil Court.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No



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M.DHANDAPANI, J.

vsi2

To

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