



WEB COPY

W.P.No.15881 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15881 of 2017

and

W.M.P.No.17193 of 2017

1.K.K.Sukumaran (Deceased)

2.K.S.Kakuth Kaarthikayan

3.Vijayalakshmi

... Petitioners

[P3 substituted as the LR of the deceased P1 dated 23.11.2022
made in WMP No.30386/2022 in WP No.15881/2017]

Vs.

1.The District Revenue Officer,
Coimbatore District,
Coimbatore.

2.Kumaresan (Deceased)

3.Kavitha

4.Naveen Venkatraman

5.K.Lakshmi

6.K.Manoj

7.Seethammal

... Respondents



[R4 impleaded vide order dated 23.11.2022 made in
WMP No.30388 of 2022 WP No.15881 of 2017]

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[R5 to R7 substituted as LR's of Deceased 2nd respondent vide
order dated 30.06.2023 WMP No.16580/2023 in WP 15881/2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to passing of the impugned order dated 20.01.2017 having reference No.Na.Ka.10050/2012E1 passed by the 1st respondent the District Revenue Officer, Coimbatore and quash the same.

For Petitioners	: Mr.E.P.Senniyangiri
For R1	: Mr.D.Ravichander Special Government Pleader
For R2	: Deceased
For R3 to R7	: Mr.N.Nithianandam For Mr.A.Saran Raj

ORDER

The order impugned passed by the District Revenue Officer in proceedings dated 20.01.2017 is sought to be quashed in the present writ petition.



2. The petitioners state that they are the absolute owners and are in possession of the land and building at S.F.No.512/2A2, Veerakeralam Village, Perur Taluk, Coimbatore District. The impugned order has been passed by the 1st respondent including the name of the 3rd respondent in Patta No.1185 pertaining to the property belonging to the writ petitioners. Thus, the petitioners are constrained to move the present writ petition.

3. The learned counsel for the petitioners mainly contended that the 1st respondent passed an impugned order without affording opportunity to the writ petitioners. The petitioners have obtained judgment and decree from the Civil Court of Law and the said decree has also not been considered by the 1st respondent. Thus, the order impugned is liable to be set aside.

4. The learned counsel appearing on behalf of the respondents 3 to 7 raised an objection by stating that in respect of the same petitioners this Court has relegated the parties to the Civil Court in W.P.No.14562 of 2017 dated 09.03.2023. Therefore, the present writ petition is also to be rejected.

5. The learned counsel for the petitioners made a submission that the writ petition was in relation to the electricity connection to be provided and in



respect of those disputes this Court granted liberty to the parties to approach the Civil Court.

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6. As far as the patta proceedings are concerned, the petitioners have already approached the Civil Court and they are in possession of those judgment. That being the factum, the matter is to be remanded back for the purpose of fresh adjudication of the issues between the parties. Since the petitioners have not been afforded with an opportunity to defend their case, the order impugned is to be set aside.

7. Accordingly, the impugned order passed by the 1st respondent in proceedings No.Na.Ka.10050/2012E1 dated 20.01.2017 is quashed. The petitioners and the contesting respondents are at liberty to submit their applications along with the documents, if any, to the 1st respondent within a period of three (3) weeks from the date of receipt of a copy of this order. On receipt of any such applications, documents, etc., the 1st respondent shall issue summons to all the parties by fixing a date of enquiry and adjudicate the matter on merits and in accordance with law and pass appropriate orders within a period of 12 weeks thereafter.



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8. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

The District Revenue Officer,
Coimbatore District,
Coimbatore.



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S.M.SUBRAMANIAM, J.

Jeni

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