



W.P.No.17305 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17305 of 2017

and

W.M.P.Nos.18804 & 18805 of 2017

K.A.Madhaiyan

...Petitioner

-Vs-

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Special Deputy Collector,
Revenue Court,
Tiruchirapalli.
- 3.The Special Deputy Collector,
Revenue Court,
Coimbatore.
- 4.The Special Deputy Collector,
Revenue Court,
Salem.
- 5.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
- 6.The Executive Revenue Inspector,
Revenue Court,
Tiruchirapalli.



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7.M.C.Kuppan,

8.Kunji @ Pachaiyappan

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records of the 2nd and 6th respondents dated 30.06.2017 in I.A.No.10/1987, I.A.No.43/1995 in O.P.No.5/1983 and quash the same.

For Petitioner : Mr.C.Umashankar

For Respondents :
(for R1 to R6) : Mr.Abishek Murthy, Govt.Advocate
(for R7) : Mr.P.MohanRaj
(for R8) : Died- steps due.

ORDER

The order impugned dated 30.06.2017, calling upon the petitioner and the other parties to appear before the 4th respondent, with reference to the order passed by the High Court in CRP.Nos.2036 & 2037 of 1997 is under-challeng in the present writ petition.

2.The petitioner states that he purchased the land in S.No.286/1 of Peyalmari Village, Pennagaram Taluk, measuring an extent of Acres 2.40



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cents for valuable consideration from the 8th respondent. The petitioner was put in possession of the said property and the land is classified as Punjai. The patta also was transferred in the name of the petitioner.

3.On 04.07.2017, the petitioner received the notice in O.P.No.5/1983, in I.A.No.10/1987 in I.A.No.43/1995 (Salem) dated 30.06.2017, that by order dated 08.07.2010 in M.P.No.7A/10 in O.P.No.190/2008, the petitioner was directed to be evicted. The petitioner came to know about the O.P. proceedings and against the order passed in OP.No.5/1983, the 3rd respondent had preferred C.R.P.Nos.1503 & 1504/1988. The High Court passed an order on 13.11.1995 setting aside the order passed in execution proceedings. The tenant filed I.A.No.43 of 1995, in O.P.No.5 of 1993 for re-delivery. The 4th respondent by order dated 07.07.1997 directed re-delivery of the property. During the existence of the dispute between the vendor of the petitioner and the 8th respondent, the petitioner purchased the property.

4.The learned counsel appearing on behalf of the 7th respondent made a submission that the petitioner was aware of the dispute pending between the 8th respondent and the father of 7th respondent. It was a



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pendente purchase and it is not as if the petitioner was an innocent purchaser of the subject property. In respect of the re-delivery order, the 8th respondent filed C.R.P.No.2036 & 2037/1997 and the High Court by order dated 25.06.2004, set aside the order of the 4th respondent dated 07.07.1997 and issued a direction to restore the application and decide the matter on merits and in accordance with law. Accordingly, the petition was restored and renumbered as O.P.No.190/2008.

5.After the order passed in C.R.P. No.2036 & 2037/1997, the O.P. was restored and thereafter a miscellaneous petition was filed which was allowed and after multiple proceedings, the O.P. originally filed for eviction was dismissed. In order to handover re-delivery, the Special Deputy Collector issued a notice to the parties after dismissal of the O.P. The 8th respondent again filed M.P.No.70/2013 which was also dismissed. In order to give re-delivery, the Special Deputy Collector/4th respondent herein issued the impugned notice dated 30.06.2017, directing the petitioner and the 7th respondent to appear before him for the purpose of further actions.



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6.If at all the petitioner is having any defense or document or otherwise, he has to appear before the 4th respondent for the purpose of defending his case. The eviction proceedings instituted in the year 1983 prolonged for a period of 35 years and it reached finality after passing of the order by the competent authorities in O.P.No.190/2008. The Subsequent miscellaneous petition was also dismissed.

7.That being the factum, the petitioner has to participate in the process of the proceedings initiated by the 4th respondent for the purpose of defending his case. Contrarily the High Court cannot interfere with such proceedings which was issued pursuant to the orders passed in the C.R.P. and subsequent orders of the competent authorities. If at all, the petitioner possesses any other document or orders, it is for him to place the same before the 4th respondent for consideration. However, the Petitioner is at liberty to submit all his documents within a period of two weeks from the date of receipt of a copy of this order to the 4th respondent.

8.The 4th respondent is directed to look into the materials available on record including the documents, if any filed by the petitioner and thereafter, take a final decision and accordingly, proceed with the case by



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following the procedures as contemplated. The 4th respondent is directed to complete the said exercise within a period of three months from the date of receipt of copy of this order.

9. Accordingly, the writ petition stands **disposed of**. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

12.04.2023



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To
WEB COPY

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S.M.SUBRAMANIAM. J.,

(sha)

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