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W.P. No.1673 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.1673 of 2021 and
W.M.P. No.1876 of 2021

V.Palaniammal

. . Petitioner

Vs

1.The Sub Divisional Executive Magistrate/
The Revenue Divisional Officer
Office of Revenue Department
Near Tahsildar/South Office
Coimbatore

2.Rathika Srihari

. .Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the 1st respondent to furnish a certificate copy of order passed on enquiry proceedings in Na.Ka. No.3775/A2/2016 dated 09.11.2020.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.A.Selvendran, Spl. GP for R1
Mr.S.R.Sundar for R2



W.P. No.1673 of 2021

ORDER

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This writ petition has been filed for a direction to the first respondent to provide original certified copy of the order passed in enquiry proceedings in Na.Ka. No.3775/A2/2016 dated 09.11.2020.

2. The allegations contained in the affidavit filed in support of the writ petition indicate that the petitioner is only a mere agreement holder and she said to have entered into an agreement to purchase the property through one Kumarasamy, the Power of Attorney of one Vijayalakshmi. It is the case of the petitioner that the Power Agent has received a sum of Rs.65.00 Lakhs till 2013. In the meanwhile, third party rights have been created and therefore, the revenue proceedings also initiated.

3. The averments in the writ petition itself indicate that there are various civil proceedings between the parties. In fact, the petitioner has suffered orders. The petitioner relies on to establish her right only on the basis of the so called agreement, which is said to have been executed by the Power Agent in the year 2012, that too after the principal had died long back. The principal was said to



W.P. No.1673 of 2021

have died in the year 1979. It is also to be noted that several agreements were executed by the Power of Attorney holder in respect of various third parties.

They also filed several suits based on the said agreement. The civil suits and appeals were dismissed. Particularly, this court has dismissed the second appeals in S.A. Nos.913 to 927 of 2010 holding that the agreement holders have no right over the property. The SLP filed against the said judgment in S.L.P. (C) Nos.16260 to 16269 of 2017 is also dismissed by the Hon'ble Supreme Court by its order dated 31.07.2017.

4. As far as the title in respect of the property is decided finally, now it appears that the petitioner also based on the so called agreement executed in his favour filed O.S. No.825 of 2017. The said suit was rejected by the Subordinate Court by its order dated 13.08.2018 in I.A. No.91 of 2018. An appeal filed against the rejection order was also dismissed by the Principal District Court in A.S. No.110 of 2018 vide its judgment dated 12.12.2022. Therefore, the right in respect of the immovable property is finally decided. Not stopping with that, now the petitioner has also initiated some proceedings before the Revenue Authorities. The Revenue Divisional Officer, in his proceedings dated 09.11.2020, dismissed the appeal filed by writ petitioner. Now the writ



W.P. No.1673 of 2021

petitioner has come up with this petition for a direction to furnish certified copies of the said order in order to start a fresh litigation.

5. The facts narrated above indicate that once the right of the writ petitioner has conclusively decided and negatived by the courts, the writ petitioner is trying to establish her right on the basis of unregistered document, particularly, executed by the power agent that too after the death of the principal, such document is in fact nullity in the eye of law. Be that as it may, the suit filed by her was also dismissed. The revenue proceedings also went against her. Therefore, this court holds that the writ petitioner cannot be permitted to file repeated writ petitions to re-agitate the matter. Hence this court finds that the writ petition is nothing but an abuse of law and hence deserves to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs. Consequently the writ miscellaneous petition is also closed.

03.04.2024

Index : Yes / No
Speaking/non speaking order



W.P. No.1673 of 2021

Neutral Citation : Yes/No

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To

- 1.The Sub Divisional Executive Magistrate/
The Revenue Divisional Officer
Office of Revenue Department
Near Tahsildar/South Office
Coimbatore
- 2.The Government Pleader
High Court, Madras



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N. SATHISH KUMAR, J.

Asr

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