



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4569 of 2024 and
W.M.P. No.4987 of 2024

M.Sekar

... Petitioner

Vs.

The Zonal Deputy Tahsildar
Coimbatore North Taluk
Coimbatore District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in his proceedings in Proceedings No.2023/0103/12526579 dated 03.01.2024 quash the same and consequently direct the respondent to issue Patta in the name of the petitioner for the land in Survey No.198/3 measuring to an extent of one acre in Vilankurichy Village, Coimbatore North Taluk, Coimbatore District within the time limit that may be stipulated by this Court by considering the petitioner's application dated 24.11.2023.

For Petitioner : Mr.M.Pandian

For Respondent : Mr.T.Arun Kumar

Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in his



proceedings in Proceedings No.2023/0103/12526579 dated 03.01.2024 quash the same and consequently direct the respondent to issue Patta in the name of the petitioner for the land in Survey No.198/3 measuring to an extent of one acre in Vilankurichy Village, Coimbatore North Taluk, Coimbatore District within the time limit that may be stipulated by this Court by considering the petitioner's application dated 24.11.2023 .

2. Heard and perused the materials available on record.

3. The learned Additional Government Pleader appearing for the respondent submitted that the subject property in S.No.198/3 belongs to Kovilpalayam Chatram Manager one Kathirvel whereas, the learned counsel for the petitioner submitted that the petitioner's vendor's husband namely Subramaniam had purchased the said property from one Kathirvel. The said Kathirvel had borrowed money from him and since the Kathirvel had not realized the decree amount, arbitration proceedings was initiated and the Arbitrator executed a sale deed for and on behalf of the Kathirvel in favour of the said Subramaniam and after his demise, the petitioner purchased the property from the wife of said Subramaniam and filed a petition for transfer of Patta for which, the respondent passed the impugned order rejecting the claim of the petitioner stating that a civil suit is already pending in respect of the subject property and hence, they are unable to consider his representation.



The learned counsel for the petitioner further submitted that pending civil suit is nothing to do with the subject matter. Therefore the impugned order passed by the respondent is liable to be set aside.

4. The learned Additional Government Pleader appearing for the respondent pointed out the proceedings of the RDO in ந.க.4472/2021/அ2 நாள் 15.09.2023 in which, it is stated that the extent of 11.63 in S.No.198/3 which is classified as Punjai belongs to Kovipalayam Chathiram Manager K.Kathirvelu.

5. A perusal of the sale deed executed by the Arbitrator for and in favour of the husband of the petitioner's vendor and on behalf of the Kathirvel is for personal debt and nowhere it is stated that the said deed is for the debt of Kovilpalayam Chathiram.

6. A Perusal of the award shows that it is only an individual debt of Kathirvel and not on the official capacity of the Kovilpalayam Chathiram. This Court finds that there is a cloud in title. Under these circumstances, the Writ Court cannot go into the depth of the title. However, the petitioner is at liberty to work out his remedy before the Civil Court in the manner known to law.

7. Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No cost.



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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

The Zonal Deputy Tahsildar
Coimbatore North Taluk
Coimbatore District

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P.VELMURUGAN. J.

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