



W.P.No.33748 of 2019

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 15.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.No.33748 of 2019

and

W.M.P.No.34228 of 2019

1.P.Kannappan

2.S.Saraswathi

3.V.Jayanthi

... Petitioners

Vs.

1.The Tahsildar,  
Coimbatore North,  
Coimbatore.

2.Shankaranandam

3.S.Thirugnanasambandam

4.Boopathi

5.V.Selvi

6.P.Poongodi

7.M.Rudramoorthi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the 1<sup>st</sup> respondent from further proceedings in Na.Ka.No.6020/2018/A1 on his file until the outcome of the suit in O.S.No.45 of 2018 pending on the file of V Additional District Judge at Coimbatore.



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For Petitioners : Mr.M.Guruprasad  
For Respondents : M/s.K.L.Karthika  
Government Advocate  
for R1  
No Appearance  
for R2 to R4

### **ORDER**

The case of the petitioner is that the property in SF.No.483/1, Thelungupalyam Village North Taluk, Coimbatore measuring to an extent of 1.15 acres belongs to the maternal grandfather/Krishna Konar. On 27.07.1952, a partition has been effected between the said Krishna Konar and others who are all the legal heirs of Nanja Konar @ Chinna Nanjakonar, who is great grand father. The said Nanja Konar had four sons, and the properties were partitioned during 1952 between two grand sons of first son/Venkatsala Konar and the other three sons viz., Marutha Konar, Krishna Konar and Venkatasala Konar. The revenue records have been mutated in the name of parties to the partition. The Zonal Deputy Tahsildar in order dated 11.04.2017 in RDR.3348/2017/A issued patta to an extent of 1.15 acres in patta No.152. In the meanwhile, a suit for partition has been filed by the petitioners in OS.No.45 of 2018 before the V Additional District Judge, Coimbatore in respect of 1.15 acres and other properties also and the same is pending. The respondents 2 to 7 herein who are



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strangers to the property have filed IA.No.583 of 2018 seeking to implead themselves in the suit. The respondents 2 to 7 filed a petition before the 1<sup>st</sup> respondent on 16.07.2018 seeking to cancel the patta standing in the name of the petitioner in respect of the item No.II of the suit schedule property. Hence, the present petition has been filed by the petitioners.

2. The learned Government Advocate appearing for the first respondent on instructions submitted that the suit in OS.No.45 of 2018 is pending before the V Additional District Judge, Coimbatore, in view of the same the proceedings in Na.Ka.No.6020/2018/A1 is kept pending.

3. Heard the learned counsel for the petitioners and the learned Government Advocate for the first respondent and perused the materials available on record.

4. Considering the facts and the submissions so made by the counsel on either side, this Court directs the first respondent not to proceed further in the proceedings in Na.Ka.No.6020/2018/A1 dated 16.07.2018 and the same shall be kept in abeyance till the disposal of the suit in OS.No.45 of 2018 pending on



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the file of the V Additional District Judge, Coimbatore.

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5. The writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

**15.07.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation : Yes/No

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To

The Tahsildar,



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Coimbatore North,  
Coimbatore.

**J.SATHYA NARAYANA PRASAD, J.**



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