



W.P.No.1455 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1455 of 2018

And

W.M.P.No.1860 of 2018

- 1 Nallammal
- 2 Poovathal
- 3 Ramesh
- 4 Sarasthal
- 5 K.Saraswathi
- 6 Ramasamy alias Thattukarar Chinnarasu ... Petitioners

Vs.

- 1 The Commissioner of Land Administration
Ezhilagam,
Chepauk,
Chennai.
- 2 The Special District Revenue Officer, (Land Administration)
Coimbatore.
- 3 The Additional District Revenue Officer
Cum Additional District Judge,
Coimbatore.
- 4 The Revenue Divisional Officer,
Coimbatore.
- 5 The Tahsildar,
Sulur, Coimbatore – 641 402.
- 6 P.Sethupathy ... Respondents



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Prayer:

Petition 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 third respondent dated 25.05.2016 in Ni.Mu.17926/ 2011/ E1 and quash the same as illegal and further direct the fifth respondent herein to issue the patta in the names of the petitioners.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
for M/s.V.Srimathi

For Respondents : Mr.M.Rajendiran for R1 to R5
Additional Government Pleader
Mr.I.Periasamy for R6

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the third respondent dated 25.05.2016 in Ni.Mu.17926/ 2011/ E1 and quash the same as illegal and further direct the fifth respondent to issue patta in the names of the petitioners.

2.The learned Senior Counsel appearing for the petitioners submitted that the petitioners are the owners of the property in S.No.727/2 in Karumathampatti, Suler Taluk, Coimbatore District. Earlier, patta stood in the name of the petitioners and vide impugned

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order, it was cancelled and patta was issued in the name of the private respondent.

3.Per contra, the learned counsel appearing for the sixth respondent submitted that already the private respondent filed a suit for declaration and permanent injunction in O.S.No.1080 of 2017 on the file of the District Munsif Court, Sulur, in respect of the very same property and for non appearance of the petitioners, the suit was decreed exparte vide order dated 21.02.2019, against which, the petitioners filed restoration petition and the same was also rejected. However, the learned counsel raised no serious objection for the petitioners filing fresh suit or restoration petition.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.The petitioners claim that they are the owners of the subject property, whereas, patta which stood in their name was cancelled and issued to the private respondent. However, the fact remains that the private respondent filed suit for declaration and permanent injunction



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in O.S.No.1080 of 2017 on the file of the District Munsif Court, Sulur, in respect of the very same property and for non appearance of the petitioners, the suit was decreed exparte on 21.02.2019.

6.In view of the above, this Court, without interfering with the order impugned in this writ petition, grant liberty to the petitioners either to file fresh suit or to file restoration petition in O.S.No.1080 of 2017 before the District Munsif Court, Sulur. If the petitioners succeed either in fresh suit or in O.S.No.1080 of 2017, they are at liberty to make fresh application for issuance of patta.

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

09.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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M.DHANDAPANI,J.
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