



W.P.No.36721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.36721 of 2024
and W.M.P.Nos.39628 of 2024; 2494 and 2495 of 2025

1. Meenachi
2. K.R.Palanisamy .. Petitioners

Versus

1. The District Collector,
Collectorate Building,
Coimbatore - 641 018.
2. The District Revenue Officer,
Collectorate Building,
Coimbatore - 641 018.
3. The District Revenue Officer (Special),
Airport Expansion,
District Collector Office,
Coimbatore - 641 018.
4. The Revenue Divisional Officer,
Coimbatore North,
Revenue Division, Coimbatore.



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5. The Tahsildar,
Taluk Office, Coimbatore North,
Coimbatore - 641 029.

6. Zonal Deputy Tahsildar,
Coimbatore North,
Coimbatore - 641 029.

7. Premkumar

8. Duraisamy

9. Thirumoorthy

10. Kandhamani

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus by calling for the records relating to T.R.No.2023/0103/12/444549TR, dated 22.02.2023 and order No.2022/0103/12/391139TR, dated 21.07.2022 passed by the 6th respondent and to call for records relating to order Na.Ka.No.1979/2023/A2, dated 09.12.2024 and order No.Ni.Mu.No.1979/2023/A2, dated 30.12.2024 passed by the 4th respondent and to quash the same and to consequently to direct the respondents to restore the original patta in the names of the petitioners in Survey No.663/1B situated in Kalapatti village, comprised in Coimbatore North Taluk, Gandhipuram, Coimbatore.

(Prayer amended as per order, dated 30.01.2025 in W.M.P.No.2493 of 2025 in W.P.No.36721 of 2024)



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For Petitioners : Mr.A.K.Sriram, Senior Counsel,
for Mr.Ravindran Venkatachalapathy

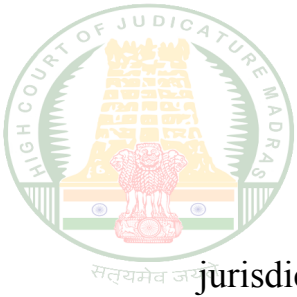
For Respondents : Mr.G.Velu,
Additional Government Pleader,
for RR-1 to 6

: Mr.P.Shri Santhaaji Naveen,
for RR-7 to 10

ORDER

This Writ Petition is originally filed challenging the order passed by the sixth respondent on 22.02.2023 cancelling the patta which was standing in the name of the petitioners in respect of S.No.663/1B of Kalapatii village, Coimbatore North taluk.

2. It is the case of the petitioners that by two sale deeds, dated 17.11.2006, the petitioners purchased several extents of the land from the father of the respondent Nos.7 to 10. The S.No.663/1B is also contiguous to the said extents purchased by them. Therefore, the patta was also mutated in their name. Once the patta is mutated, the sixth respondent has no



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jurisdiction to thereafter decide on the title and cancel the patta that too without issuing any notice whatsoever. They had also filed an appeal and the order, dated 09.12.2024 is also served on them. Therefore, an amendment petition is filed for amending the relief impugning the order of the fourth respondent herein on 09.12.2024.

3. *Mr.A.K.Sriram*, learned Senior Counsel for the petitioners would submit that when the petitioners are in possession of the property right from the date of purchase in the year 2006, only based on their rival claim of the title that too without issuing any show-cause notice whatsoever, the patta has been cancelled and the same has been affirmed in the appeal. The action is absolutely unsustainable and therefore, the impugned orders are liable to be set aside and it is the respondents who must be relegated to the Civil Court in the event of them claiming any title.

4. *Mr.G.Velu*, learned Additional Government Pleader for the



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respondent Nos.1 to 6, on instructions, would confirm the fact that the originally, an order was passed on 22.02.2023 and also the order, dated 09.12.2024 was passed. The fact that with reference to the lands, which were sold in favour of the petitioners, already, Civil Suits that were filed by the other legal heirs, were dismissed and first Appeal was dismissed and only the second appeal is pending in S.A.No.747 of 2014, is also admitted. It is further submitted on behalf of the official respondents that the entire records have to be considered while passing any further orders in this regard.

5. *Mr.P.Shri Santhaaaji Naveen*, learned Counsel for the respondent Nos.7 to 10, by filing the counter-affidavit as well as typed set of papers, would submit that the petitioners purchased various other extents which are subject matter of the Civil Suit, presently, the subject matter of the Second Appeal. As far as the instant S.No.663/1B is concerned, the same was never purchased by them. As a matter of fact, subsequently, a portion of the land in S.No.663/1B was also sought to be acquired for public purposes and the



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respondent Nos.7 to 10, who are the owners of the property, already executed the sale deed pursuant to the land acquisition proceedings. Only based on the error while issuing patta pursuant to the purchase made by the petitioners, the disbursement of the compensation was denied to them. Therefore, when the original owners of the property made a petition, the error was rectified. Even the appeals filed by the petitioners were dismissed. Therefore, no further relief can be granted to them. Even their original purchase was only *pendente lite* and the matter is pending in Second Appeal.

6. I have considered the rival submissions and perused the material records of the case.

7. It can be seen that as against the order passed by the Tahsildar, the petitioners filed an appeal to the Revenue Divisional Officer and the same was dismissed on 09.12.2024. In that event, the petitioners have the appeal remedy to approach the District Revenue Officer by way of a further appeal.



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8. In view thereof, this Writ Petition cannot be entertained and is accordingly, dismissed. However, liberty is given to the petitioners to file an appeal before the third respondent within three weeks from the date of receipt/production of a web-copy of this order without waiting for the certified copy of this order. If such an appeal is filed, the same shall be considered as if it is within the time and the appeal shall be considered on its own merits and disposed of by the third respondent by giving notice to both sides in accordance with law within a period of three months from the date of filing of the appeal. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

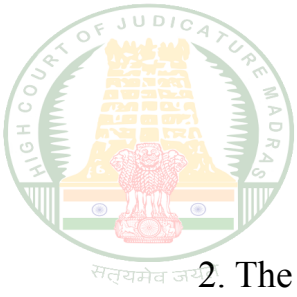
30.01.2025

Neutral Citation : no.

grs

To

1. The District Collector,
Collectorate Building, Coimbatore - 641 018.



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2. The District Revenue Officer,
Collectorate Building,
Coimbatore - 641 018.

3. The District Revenue Officer (Special),
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Coimbatore - 641 018.

4. The Revenue Divisional Officer,
Coimbatore North,
Revenue Division, Coimbatore.

5. The Tahsildar,
Taluk Office, Coimbatore North,
Coimbatore - 641 029.

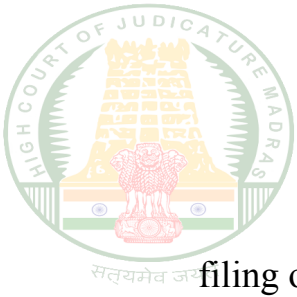
6. The Zonal Deputy Tahsildar,
Coimbatore North,
Coimbatore - 641 029.

19.02.2025

ORDER

This matter is listed under the caption for 'Being Mentioned'.

Both sides the learned counsel brought to the notice of the Court that the Revenue Divisional Officer as a matter of fact has passed two orders, one on 09.12.2024 and another on 30.12.2024 and this Court had permitted the



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filing of a common appeal as against both the orders.

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2. In view thereof, in paragraph No.8, the following changes should be made and the Registry to upload the corrected copy of the order.

After the words, 'third respondent', 'as against the orders of the Revenue Divisional Officer dated 09.12.2024 and 30.12.2024' shall be included and in paragraph No.2, after the word 'them', the following phrase shall be added:

'and also yet another order was also passed on 30.12.2024'.

19.02.2025

Neutral Citation :No.

bsm

To

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2. The District Revenue Officer,
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D.BHARATHA CHAKRAVARTHY, J.

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19.02.2025