



WEB COPY

WP No. 23496 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 23496 of 2021

V.S.Gunaseelan,
S/o.V.S.Subramaniam,
19, ADS Puram, Pollachi- 642 002.

Petitioner(s)

Vs

- 1.The District Collector,
Coimbatore District.
- 2.The Revenue Tahsildar
Cum Taluk Administrative Magistrate
Pollachi.
- 3.The Tahsildar,
Pollachi, Coimbatore.
- 4.Kari Varadaraja Perumal Temple,
Rep by its Executive Officer,
Pollachi Town and Taluk,
Coimbatore District.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order dated 11.09.2021 in Na.Ka No. 1729/ 2021/ A3 of the 2nd respondent herein, quash the same and consequently direct the 2nd respondent herein to delete the name of the 4th respondent herein from the patta in respect of the property of an extent of 50 cents in Old T.S. No.256/2, New T.S No.1207/ B, Block No.23, Ward B, Pollachi.



For Petitioner(s): Ms.R.Seethalakshmi
for M/s.Sa.Kanmani

For Respondent(s): Mr.C.Gowtham Raj
Govt. Advocate For R1 To R3
M/s.R.Sanjay
For R4

ORDER

This writ petition has been filed challenging the order dated 11.09.2021 in Na.Ka No. 1729/ 2021/ A3 passed by the 2nd respondent and consequently to direct the 2nd respondent to delete the name of the 4th respondent from the patta in respect of the property to an extent of 50 cents in Old T.S. No.256/2, New T.S No.1207/ B, Block No.23, Ward B, Pollachi.

2.Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the subject property and the name of the 4th respondent has been erroneously included in the patta in respect of the subject property. Therefore, the petitioner gave a representation before the 2nd respondent to remove the name of the 4th respondent from the patta in respect of the subject property. However, the 2nd respondent had rejected the same on the ground that an appeal suit is pending as regards the said property.



3. She would further submit that the patta for the subject property was originally granted by the Settlement Tahsildar on 21.04.1969 in favour of the then-occupants, after conducting an enquiry, in which the 4th respondent had also participated. In the said proceedings, the Settlement Tahsildar held that the 4th respondent had parted with the enjoyment of the subject property long back. Subsequently, the petitioner had purchased the subject property in the year 1970. Thereafter, no appeal was preferred by the 4th respondent before the Special Tribunal Appeals against the proceedings of the Settlement Tahsildar dated 21.04.1969. However, in the year 2012, the 4th respondent had filed a suit for declaration of title regarding the subject property in O.S.No.85 of 2012, before the IV Additional District and Sessions Judge, Coimbatore. The said suit was dismissed on 31.08.2017. Despite the same, the name of the 4th respondent Temple still exists on the patta in respect of the subject property. While so, the petitioner made a representation before the 2nd respondent to remove the name of the 4th respondent from the patta in respect of the subject property. Since the said representation was rejected by the 2nd respondent citing the reason that the appeal suit is pending, the present writ petition has been filed.

4. Learned counsel appearing for the 4th respondent would submit that the 4th respondent has preferred an appeal suit against the judgment and decree made in O.S.No.85 of 2012. According to the 4th respondent, the appeal suit is yet to be numbered.



5. Heard the learned counsel for the petitioner; learned Government Advocate appearing for the respondents 1 to 3 as well as the learned counsel appearing for the 4th respondent.

6. Upon hearing the above submissions, it is evident that the petitioner had succeeded in both the suit and in the proceedings of the Settlement Tahsildar. The settlement Tahsildar had granted patta to and in favour of the then occupants of the subject property and held that the 4th respondent has no right over the subject property as the 4th respondent had parted with the enjoyment of the subject property long back. Further, no appeal was filed against the said proceedings. Subsequently in the year 2012, a suit was filed in O.S.No.85 of 2012 before the IV Additional District and Sessions Judge, Coimbatore and the same was dismissed on 31.08.2017. Though the said suit was dismissed on 31.08.2017, the 4th respondent has not taken any steps to number the appeal suit till date. Such being the case, since the petitioner had succeeded in both the proceedings and for the past eight years no appeal suit was preferred by the 4th respondent, retaining the name of the 4th respondent in the patta in respect of the subject property is not proper.

7. For the foregoing reasons, this Court is inclined to set aside the impugned order dated 11.09.2021 passed by the 2nd respondent. Accordingly the impugned order dated 11.09.2021 is hereby set aside. The 2nd respondent is



directed to issue patta in respect of the subject property in favour of the petitioner by removing the name of the 4th respondent.

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8. With the aforesaid direction, this writ petition is disposed of. No costs.

02-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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