



W.P.(MD) No.6996 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.6996 of 2020
and
W.M.P.(MD) No.6419 of 2020**

R.Ayyasamy

... Petitioner

/vs./

1.The Inspector General of Registration,
Santhome,
Chennai.

2.The District Registrar,
District Registrar Office,
Trichy.

3.The Revenue Divisional Officer,
Srirangam,
Trichy, Trichy District.

4.The Sub Registrar,
Office of the Sub Registrar,
Manapparai,
Trichy District.

5.Pulipandian



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6.Leelavathy

7.Senthilkumaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to conduct an enquiry as against the 4th and 5th respondents herein as per the section 68(2) of Registration Act, 1908 and consequently direct the 3rd respondent to conduct an enquiry and cancel the wrong entry in respect of the extent of property made in the Natham Patta in old S.No.153/2, New S.No.547/6 and S.No.547/7, situated at Vaillyampatti village, Manapparai Taluk, Trichy District as per the previous sale deed in Document No.2311/1977 and Document No.390/2009 on the file of the Sub Registrar, Manapparai, Trichy District, within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For R1 to R5 : Mr.M.Prakash
Additional Government Pleader

For R6 & R7 : Mr.S.Deenadhayalan

ORDER

The writ petitioner seeks the issue of a Writ of Mandamus to direct the respondents 1 and 2 to conduct an enquiry against the respondents 4 and 5 under



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Section 68(2) of the Registration Act, 1908 and consequently, to direct the third respondent to conduct the enquiry to cancel the wrong entry in respect of the property comprised in old S.No.153/2, New S.Nos.547/6 and 547/7 at Vaiyampatti Village, Manapparai Taluk, Trichy District as per the sale deed registered as Doc.Nos.2311/1977 and 390/2009 on the file of the Sub Registrar, Manapparai, Trichy District within a stipulated time.

2.The petitioner's case is that he had purchased the property comprised in old S.No.153/2, measuring an extent of 1320 sq.ft., at Vaiyampatti Village from one Padmavathi under a sale deed dated 06.02.2009 registered as Doc.No. 390/2009 on the file of the Sub Registrar, Manapparai, Trichy District. The petitioner's case is that after the purchase, he has put up a construction, obtained electricity service connection and paid the taxes regularly. The sixth respondent, who is an adjacent land owner, had purchased her property under a sale deed registered as Doc.No.2311/1977 in Old.S.No.153/2, measuring an extent of 780 sq.ft., at Vaiyampatti Village. She has also constructed a house in the entire area and is residing therein. Meanwhile, the Government had acquired the lands for the purpose of the National High Ways.



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3.It appears that after the completion of the acquisition proceedings, the sixth respondent had obtained forged FMB sketch and Natham Patta, whereby the extent in her enjoyment has increased to an extent of 1399 sq.ft. The petitioner on 15.05.2020 also came to learn that the sixth respondent was also attempting to transfer not only her property but also the petitioner's property in favour of her son by using these forged revenue documents. She has also proceeded to execute the settlement deed using these forged documents. After the petitioner had made a complaint to the fourth respondent on 30.05.2020, the fourth respondent had assured the petitioner that he would verify all the documents before registering it.

4.It appears that the sixth respondent has not produced the sale deed, under which she had purchased the property. Despite the objections, the fourth respondent has registered the settlement deed executed by the sixth respondent in favour of the seventh respondent including the petitioner's property. Therefore, he had made a detailed representation before the third respondent to cancel the wrong entry made in the Natham Patta in respect of old S.No.153/2, New S.Nos. 547/6 and 547/7 and to incorporate the exact extent as per the sale deeds. Since



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no action has been taken on the petitioner's representation, the petitioner has been constrained to file the above writ petition for the reasons stated supra.

5.It is now informed by the learned Additional Government Pleader for the respondents that survey of the petitioner's land has been conducted by the third respondent and orders have been passed on 13.06.2022, which reads as follows:-

“மேற்படி விசாரணை ஆவணங்கள் கிராம கணக்குகள் வட்டாட்சியரின் பரிந்துரை அறிக்கை நில அளவர் புலதணிக்கை அறிக்கை மனுதாரர் மற்றும் எதிர் மனுதாரர் வாக்குமூலங்கள் மற்றும் மனுதாரர் விசாரணையின்போது சமர்ப்பித்துள்ள ஆவணங்கள் மணப்பாறை வட்டம் வையம்பட்டி கிராமம் புல எண் 547/6 ல் பரப்பு 0.0130 சமீ நிலத்தை 547/6A பரப்பு 0.0080.0 சமீ பட்டா எண் 505-ல் லீலாவதி எனவும் 547/6B பரப்பு 0.0050.0 சமீ பட்டா எண்.1033-ல் அய்யாச்சாமி எனவும் நத்தம் சிட்டா மற்றும் நத்தம் அடங்கலில் பதிவு செய்து கிராம மற்றும் வட்ட கணக்குகளை பராமரிக்க மணப்பாறை வட்டாட்சியருக்கு உத்தரவிடப்படுகிறது.”

6.Heard the learned counsels appearing on either side.



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7.Considering the order passed by the third respondent dated 13.06.2022, the wrong entry made in the Natham Patta has to therefore be rectified. Therefore, a direction is issued to the third respondent to effect the aforesaid changes/corrections in the revenue records. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

29.03.2023

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To

1.The Inspector General of Registration,
Santhome,
Chennai.

2.The District Registrar,
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Trichy.

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3.The Revenue Divisional Officer,
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P.T.ASHA, J.

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