



W.P.(MD).Nos.8312 and 13406 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).Nos.8312 and 13406 of 2021

and

W.M.P.(MD).Nos.6288 and 10366 of 2021

W.P.(MD).No.8312 of 2021:

C.Dinesh

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
Chennai – 600 028.
- 4.The District Registrar,
Combined Registrar Office Campus,
St.Mark Street,
Behind John's High School,
Palayamkottai – 627 002.
Tirunelveli District.



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5.The Sub Registrar,
Radhapuram Sub Registration Office,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the fifth respondent in an illegal registration of sale deed vide Doc No.1672 of 2020 dated 10.06.2020 and quash the same as illegal and consequently direct the second respondent to restore the patta No.1384 pertaining to the land in Survey No.11/1, Uthayathur Village, Radhapuram Taluk, Tirunelveli District to an extent of 6 acres 52 cents, based on the petitioner's representation dated 31.07.2020 within the time stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.R.Ragavendran
Government Advocate

W.P.(MD).No.13406 of 2021:

C.Dinesh

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
Chennai – 600 028.



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2.The District Registrar,
Combined Registrar Office Campus,
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Behind John's High School,
Palayamkottai – 627 002.
Tirunelveli District.

3.The Sub Registrar,
Radhapuram Sub Registration Office,
Radhapuram,
Tirunelveli District.

4.Chinnappa Nadar

5.U.Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent's order in ந.க.எண்.3079 / இ2 / 2020 நாள் 07.07.2021 and quash the same as non application of mind and consequently direct the first respondent to take appropriate legal action against the erring officials who supported the illegal registration of sale deed vide Doc.No.1672/2020 at the third respondent office for the property in Survey No.11/1, Udayathur Village, Radhapuram Taluk to an extent of 6 acres 52 cents, based on the petitioner's representation dated 31.07.2020 within the time stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For R-1 to R-3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R-5 : No Appearance



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COMMON ORDER

The issue involved in both the Writ Petitions are common and hence they are taken up together, heard and disposed of through this common order.

2. The Writ Petition in W.P.(MD).No.8312 of 2021 has been filed questioning the sale deed dated 10.06.2020 registered as Document No.1672 of 2020 on the file of the fifth respondent and for a consequential direction to the second respondent to restore the patta in the name of the petitioner with respect to the subject property by considering the representation made by the petitioner on 31.07.2020.

3. The Writ Petition in W.P.(MD).No.13406 of 2021 has been filed challenging the order passed by the District Registrar viz., the second respondent therein through proceedings dated 07.07.2021 and for a consequential direction for taking action against the erring officials who entertained the registration of the illegal sale deed dated 10.06.2020.



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4. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that a wrong entry was made during the UDR and taking advantage of the same, the fifth respondent in W.P.(MD).No.13406 of 2021 had created an illegal sale deed and that was questioned before the District Registrar. That apart, the petitioner has also made an application / representation before the District Revenue Officer, Tirunelveli seeking for cancellation of the entry made during the UDR and to restore the patta to its original position.

5. Insofar as the first relief is concerned, the learned counsel for the petitioner brought to the notice of this Court the proceedings of the Revenue Divisional Officer, Cheranmahadevi dated 06.10.2021. The relevant portion in the order is extracted hereunder:

“எதிர்மனுதாரர் திரு.U.குமார் என்பவர் தாவா புல எண் 11/1 – ஐ கிரையம் பெற்ற 10.06.20 நாஸிட்ட ஆவண எண் 1672/20 – ஐ 01.09.21 நாஸிட்ட ஆவண எண் 3738/21 – ன்படி ரத்து செய்து விட்டதால் ஆவண எண் 1672/20 – ன்படி செய்யப்பட்ட TR231342/20 நாள் 03.07.20 மட்டா மாற்றம் உத்தரவை ரத்து செய்து இதன் மூலம் உத்தரவிடப்படுகிறது. மேலும் மட்டா எண் 434 – ஐ மனுதாரர் ரத்து செய்ய கோருவது UDR திருத்தம் என்பதால் இது தொடர்பாக மனுதாரர் திருநெல்வேலி



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மாவட்ட வருவாய் அலுவலருக்கு மனு செய்து பரிகாரம் தேடித்
கொள்ளுமாறும் மனுதாரர் பட்டா எண் 434 – ஐ ரத்து செய்ய
கோரிய கோரிக்கையை தள்ளுபடி செய்தும் உத்தரவிடப்படுகிறது.”

6. The extracted portion in the order shows that the fifth respondent in W.P.(MD).No.13406 of 2021 has volunteered to cancel the sale deed executed through a cancellation deed dated 01.09.2021 registered as Document No.3738 of 2021. In view of the same, the issue pertaining to the registration of the sale deed dated 10.06.2020, has been resolved. Hence, no further orders are required to be passed in these Writ Petitions pertaining to the sale deed dated 10.06.2020 registered as Document No.1672 of 2020.

7. The only other issue that requires the consideration of this Court is the proceedings before the District Revenue Officer, Tirunelveli wherein the petitioner has sought for cancellation of the entry made during the UDR, pertaining to the subject property.

8. The learned counsel for the petitioner submitted that the District Revenue Officer has already commenced the proceedings and notice has been issued to the parties to attend for the enquiry on 18.12.2023. A copy of the



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notice dated 05.12.2023 was also placed before this Court. The learned counsel for the petitioner submitted that some time frame can be fixed for the completion of the proceedings by the District Revenue Officer, Tirunelveli.

9. Taking into consideration the facts and circumstances of the case and considering the subsequent development that has taken place in this case, it will suffice if a direction is issued to the District Revenue Officer, Tirunelveli to disposed of the proceedings in கார்டு / சீ.ம.எண் 07 / 22 dated 12.2023 within a period of three (3) months from the date of receipt of a copy of this order. The order shall be passed after affording opportunity to the parties and based on the merits of the case and in accordance with law.

10. Both the Writ Petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

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Copy To:

The District Revenue Officer,
Tirunelveli.



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N.ANAND VENKATESH, J.

Nsr

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