

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.15994 of 2015
& M.P.Nos.2 and 3 of 2015

S.Ravichandran .. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Perundurai Road,
Erode Town - 638 011.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Brough Road,
Erode Town - 638 011.
- 3.The District Registrar [Administration],
Office of the District Registrar,
Registration Department,
Karungalpalayam Post,
Erode Town - 638 003
- 4.The Joint Registrar,
[At the Level of the District Registrar],
Office of the District Registrar,
Karungalpalayam Post,
Erode Town - 638 003
- 5.The Sub-Registrar,
Office of the Sub-Registrar,
Karungalpalayam Post,
Erode Town - 638 003
- 6.Seetha @ Seethalakshmi
- 7.Pachi Ammal
- 8.R.Gunasekaran .. Respondents

PRAYER : Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the proceedings of the second respondent in Na.Ka.No.6586/2013/A3 dated 11.03.2014 with respect to Item No.3 of his order so as to quash the same.

For Petitioner : M/s.N.Jothi S.C
for Mr.M.C.Govindan

For Respondent Nos.1 to 5 : Mrs.P.Rajalakshmi
Government Advocate

For Respondent No.6 : Mr.V.S.Senthilkumar

For Respondent No.7 : Mr.S.Jayakumar

For Respondent No.8 : No Appearance

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner, who is a stranger to the impugned proceedings dated 11.03.2014 passed by the second respondent which inter alia was meant to decide the question of legal heir certificate between the respondents 6 and 7, has come forward with this Writ Petition.

3.The petitioner's predecessors in title said to have purchased the property from one Nagaraj, since deceased, through a registered sale deed in the year 2012. A challenge was made to the legal heir certificate issued to the sixth respondent by the seventh respondent. While considering the rival contentions raised by the respondents 6 and 7, the impugned order was passed by the second respondent on 11.03.2014. It appears that in the said order, the second respondent has stated that appropriate action will have to be taken by registering authority to cancel the documents including sale deed executed in favour of the petitioner's predecessors in title. Being aggrieved against that part of the order, the present Writ Petition has been filed.

4.Though certain contentions are sought to be raised by the parties before this Court, this Court is not inclined to go into the same, in view of the stand taken by the second respondent in the counter affidavit in the following manner;

"With regard to the averment in paragraph 19 to 21, it is submitted that on an analyse of the enquiry held on the petition of Tmt.Pachiammal, the Revenue Divisional Office, Erode has arrived a considerable view that the Instruments executed concealing many truths are liable to be struck down to prevent further damage to the public. It is based on this public policy he wrote a letter to the District Registrar, Erode to consider cancellation of the Instruments executed with hidden facts. The District Registrar, Erode

abjured the plea of the Revenue Divisional Office, Erode, stating that, it cannot be done suo-moto and a legal direction is required to do so. This parties are at liberty to pursuing legal process only the dispute on the properties in question."

"I humbly submit that since the letter impugned is an official communication between the Revenue Divisional Officer, Erode and the District Registrar, Erode, the writ petitioner deserve no notice or copy of official communication now impugned. The District Registrar, Erode through his letter in No.1171/B1/2014 dated 07.08.2015 abjured the plea of the Revenue Divisional Officer to cancel the impugned sale deed without a legal verdict to do so. No detriment is caused to the petitioner by the letter of the Revenue Divisional Office, Erode sought to be quashed he has no case at all to contest."

5.In view of the same, nothing survives in this Writ Petition for adjudication. Law is well settled that when an order is passed against a party having interest, behind his back, that will not bind him. Further, in view of the stand taken by the second respondent in the counter affidavit, coupled with the further fact that the third respondent has declined to exercise his jurisdiction, this Court is not willing to proceed further, except by observing that the impugned order cannot be put against the petitioner in this Writ Petition.

6.With the above said observation, the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

7.Similarly, any observation made in this Writ Petition will not affect the respective party's right in the pending criminal proceedings, if any. The inter se dispute between the respondents 6 and 7, which is pending before the respective Civil Courts is also not touched upon and the jurisdictional Courts are directed to dispose of the same on their own merits and in accordance with law.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sri

To

- 1.The District Collector,
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 - 5.The Sub-Registrar,
Office of the Sub-Registrar,
Karungalpalayam Post,
Erode Town - 638 003
- 1 cc to Government Pleader, Sr. 68744
1 cc to Mr.V.S. Senthilkumar, Advocate, sr. 68493
2 ccs to Mr.M.C. Govindan, Advocate, Sr. 68406
1 cc to Mr.S. Jayakumar, Advocate, sr. 68942

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PA (CO)
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