



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.4939 OF 2014

P.K.V.Panneer

... Petitioner

.-Vs-.

1.The Tahsildar,
R.S.Mangalam,
Thiruvadanai Vattam,
Ramanathapuram District.

2.The Sub-Registrar,
R.S.Mangalam,
Thiruvadanai Vattam,
Ramanathapuram District.

3.T.Mathivanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to consider and pass orders on the petitioner's representation dated 28.03.2013 with regard to conduct the enquiry and to cancel the patta for the property in Survey No.84/1A2A, R.S.Mangalam Village, Thiruvadanai Taluk, Ramanathapuram District and pass further orders as this Court may deem fit and proper.

For Petitioner :Mr.D.Anbarasu

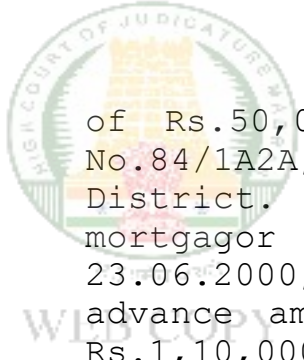
For Respondents :Mr.S.Satheeshkumar

Addl.Govt.Pleader for R1 & R2

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the first respondent to consider and pass orders on the petitioner's representation dated 28.03.2013 with regard to conduct the enquiry and to cancel the patta for the property in Survey No.84/1A2A, R.S.Mangalam Village, Thiruvadanai Taluk, Ramanathapuram District.

2. The case of the petitioner is that the petitioner has entered into a registered mortgage dated 21.06.2000, for an amount



of Rs.50,000/- in respect of the property situated in Survey No.84/1A2A, R.S.Mangalam, Thiruvadanai Vattam, Ramanathapuram District. It is the further case of the petitioner that the mortgagor has subsequently entered into a sale agreement on 23.06.2000, for consideration of Rs.3,60,000/- and paid the advance amount of Rs.2,50,000/-, leaving the balance amount of Rs.1,10,000/-. According to the petitioner, only a sum of Rs.60,000/- is required to be paid for getting the sale deed. It is also the case of petitioner that, the owner of the property has subsequent to the sale agreement, without prior intimation has created the encumbrance through his power of attorney. It appears that the subsequent sale transaction had taken place and the petitioner has admitted such facts. In these circumstances, the petitioner has made a representation to the Tahsildar, on 28.03.2013, praying to cancel the name of Masilamani from the revenue records/patta till the disposal of the suit.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

4. Having regard to the admitted fact, that the petitioner claims to be an agreement-holder, he does not have any right in the immovable property which is a subject matter of the sale agreement. Hence, he has no right to seek cancellation of patta. Hence, the petitioner is not entitled to seek any relief from this Court and accordingly this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1.The Tahsildar,

R.S.Mangalam, Thiruvadanai Vattam, Ramanathapuram District.

2.The Sub-Registrar,

R.S.Mangalam, Thiruvadanai Vattam, Ramanathapuram District.

+1 cc to The Special Government Pleader in SR.No. 32308

gsr

SDR/KBM/01.07.2016 : 2P/4C

W.P (MD) No.4939 OF 2014

21.06.2016