



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14776 of 2016

V.Muthukrishnan

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.Thiru.K.V.Palanichamy

4.Thiru.S.Sivasamy

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent herein to complete his enquiry in his proceedings in Na.Ka.No.8989/15/A2 for issuance of patta and to pass appropriate orders in accordance with law within the time limit as fixed by this Court after affording opportunities to the respondents 3 and 4 herein.

For petitioner :M/s.K.Hema Karthikeyan

For R-1 & R-2 :Mr.S.Kumar,
Additional Government Pleader

O R D E R

It is the claim of the petitioner that his family owned ancestral properties in S.Nos.389/14,389/15, 385/13, 378/13, 238/7C, 253/1, 216/3, 238/2, 238/4, 253/2, 239/4, 239/5 & 253/3 in Silverpatti Village, Pappinayakanpatti Group, Peraiyur Taluk, Madurai District and his father sold some of the properties to one ~~Peraiyur Taluk~~ & Sanyasi Dangua by registered sale deeds, dated 17.10.2006 and 26.02.2007, vide Document Nos.1118/2006 & 350/2007 respectively, on the file of the Sub-Registrar Office,



Elumalai. Since his father failed to give the share to the petitioner and his sister, a suit was filed by them before the Sub-Court, Tirumangalam, in O.S.No.594 of 2011 for partition and also to declare the sale deeds, dated 17.10.2006 & 26.02.2007, in Document Nos.1118/2006 & 350/2007 respectively, as null and void. Notices were also served to the defendants in the suit. The said suit was decreed declaring the sale deeds, dated 17.10.2006 and 26.02.2007 as null and void. The petitioner had also filed a final decree application in I.A.No.204 of 2013 and the same is also pending adjudication. In the meanwhile, based on the civil Court decree, the petitioner moved an application before the Tahsildar, Peraiyur Taluk, Madurai District, to issue joint patta in favour of the petitioner, his father and his sister. Thereafter, he has also sent a representation to the Sub-Registrar Office, Elumalai, to carry out amendments in the revenue records as per the civil Court decree. But, the Sub-Registrar failed to do the same. In the meanwhile, an enquiry has been held by the Tahsildar/R-2 on 18.04.2016 and the same was adjourned to 05.07.2016 and thereafter, on 20.08.2016. Since the Tahsildar is protracting the matter, a direction is sought to be issued to complete the enquiry as expeditiously as possible.

2. Mr.S.Kumar, learned Additional Government Pleader, after taking notice on behalf of the respondents 1 and 2, seeks eight weeks time to complete the enquiry.

3. Recording the same, the second respondent/Tahsildar, Peraiyur Taluk, Madurai District, is hereby directed to complete the enquiry in his proceedings in Na.Ka.No.8989/15/A2 and pass orders on the same, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District,
Madurai.



2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

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+1cc to M/s.K.Hema Karthikeyan, Advocate SR.No.43942
+1cc to Special Government Pleader SR.NO.44143

pm

sm:KP:26/08/2016:3P/5C

W.P. (MD) No.14776 of 2016
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