



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.14992 of 2016

K.Nagarajan

... Petitioner

Vs.

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3. The Tahsildar,
Office of the Tahsildar,
Thiruppuvanam - TK
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to conduct a detailed enquiry to cancel the patta issued in favour of A.Raja in respect of the land in Survey No.171/1, to an extent of 80 Cents bearing Patta No.1717, situated at Vayalcherry Village, Thiruppuvanam Taluk, Sivagangai District, after affording all the opportunities to the respective parties within the time stipulated by this Court, pursuant to the Petitioner's representation, dated 11.07.2016.

For Petitioner : Mr.V.R.Venkatesan
For Respondents : Mr.V.Muruganandam
Addl.Govt.Pleader

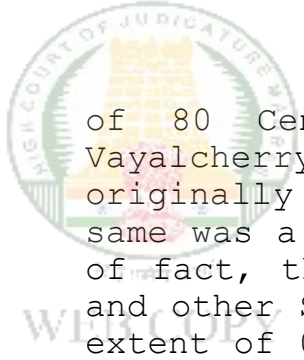
ORDER

Heard both sides.

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

3. No counter is filed on behalf of Respondent Nos.1 to 3.
<https://hcservices.ecourts.gov.in/hcservices/>

4. According to the Petitioner, the land measuring an extent



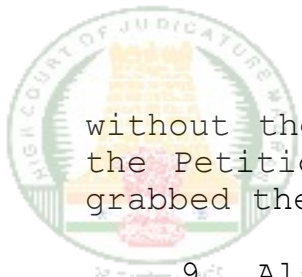
of 80 Cents in S.No.171/1 and Patta No.1717, situated at Vayalcherry Village, Thiruppuvanam Taluk, Sivagangai District, originally belonged to one Alagar S/o.Late.Periyampillai and the same was a self-acquired property of the said Alagar. As a matter of fact, the said Alagar had purchased the said land in S.No.171/1 and other Survey numbers, such as, Survey Nos. 269/5A, measuring an extent of 0.33.50, 274/3 measuring to an extent of 0.19.50 Hectare, 284/3 measuring an extent of 0.52.00 Hectare, 307/7 measuring an extent of 0.34.00 Hectare, 343/2 measuring an extent of 0.62.50 Hectare, 171/1 measuring an extent of 0.32.50 Hectare and 182/4 measuring an extent of 0.34.00 Hectare and all the said lands are situated at Vayalcherry Village, Thiruppuvanam Taluk, Sivagangai District. As such, the said Alagar was the absolute owner of these properties and further, the said lands are self-acquired properties of the said Alagar.

5. It comes to be known that on 24.07.1995, the said Alagar S/o.Periyampillai and his son A.Ayyankalai and Grand sons of Alagar have jointly sold the landed property bearing S.No.171/1 and its Patta No.1717, measuring an extent of 0.32.5 Hectare i.e., 80 Cents, to him through a Sale Deed, duly registered as Document No.1034 of 1995 in the Sub-Registration Office of Thiruppuvanam. From that day onwards, he is in absolute possession of the land in S.No.171/1.

6. The main grievance of the Petitioner is that although the petition land was the self-acquired property of the said Alagar, absolutely, there was no need to execute the Sale Deed by the legal heirs of said Alagar. With a view to avoid any dispute in future, the son and grand sons of the said P.Alagar have jointly executed a Sale Deed, by putting their respective signatures. It is well settled that once a person is having good and valid title in respect of his property had sold the property in question, then, he lost his right and title in respect of the property because of the reason he conveyed the title through a valid registered document.

7. The stand of the Petitioner is that the said P.Alagar had died intestate. Thereafter, the said P.Alagar had one son viz., A.Ayyankalai and four daughters viz., (1) Alagammal (2) Panchavarnam (3) Chinnaponnu and (4) Pappa and out of four daughters, one daughter viz., Panchavarnam died five years back, leaving herself one son and two daughters, as her legal heirs to inherit her estate.

8. At this stage, the Learned Counsel for the Petitioner submits that the Petitioner is residing at No.1/57, V.Karisalkulam, Vayalcherry Post, Thiruchuli Taluk, Virudhunagar District and since he is a Carpenter by profession, he used to visit numerous places to eke out his livelihood and taking advantage of his absence, one A.Raja, S/o.Ayyankalai, had illegally applied for mutation of patta in his name, in respect of the land in S.No.171/1, measuring an extent of 80 Cents, which was already sold out to the Petitioner, through a registered Sale Deed. It appears that the said A.Raja, by creating a forged document, has obtained a patta in his name,



without the Petitioner's knowledge and consent, which according to the Petitioner, amounts to cheating and also the said A.Raja, had grabbed the Petitioner's land.

9. Also that, the Petitioner on 11.07.2016, had lodged a complaint to the Superintendent of Police, Sivagangai District, wherein, it was mentioned that the act of said A.Raja comes under cheating, forgery, impersonation, making false document and using as genuine document and in fact, it attracts the offences under Sections 470, 471, 464, 463 and 420 of IPC., A direction petition was also filed before this Court, as against the said Raja, for registering FIR and the same was allowed by this Court on 02.08.2016.

10. In this connection, the Learned Counsel for the Petitioner projects an argument that the Petitioner has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondents to conduct a detailed enquiry to cancel the patta issued in favour of A.Raja, in respect of the land in Survey No.171/1, measuring an extent of 80 Cents, bearing Patta No.1717, situated at Vayalcherry Village, Thiruppuvanam Taluk, Sivagangai District, after affording all the opportunities to the respective parties, within the time stipulated by this Court, pursuant to his representation, dated 11.07.2016.

11. Considering the limited relief sought for by the Petitioner in the main Writ Petition viz., for passing of an order by this Court in directing the First Respondent to consider his representation, dated 11.07.2016, in the subject matter in issue, at this stage, this Court, without delving deep into the merits and contents of the representation of the Petitioner, dated 11.07.2016, simpliciter, in the interest of justice and fair play, directs the First Respondent, to look into the representation of the Petitioner, dated 11.07.2016, and to dispose of the same by passing a reasoned speaking order, on merits and in accordance with Law, within a period of eight weeks from the date of receipt of a copy of this order (of-course after providing necessary opportunity to the Petitioner and others concerned, by adhering to the principles of natural justice, in true letter and spirit, by issuing notice to the Petitioner and others concerned, if any, if situation so warrants)

12. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3. The Tahsildar,
Office of the Tahsildar,
Thiruppuvanam - TK
Sivagangai District.

+ 1 CC TO MR.V.R.VENKATESAN, ADVOCATE IN SR No. 48348

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 48112

MPK

TE/SKS-RR/SAR-I : 08/09/2016 : 4P/6C

W.P (MD) No.14992 of 2016
29.08.2016