



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.15542 of 2016

J.Ilangovan

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Revenue Divisional Officer,
Tuticorin,
Tuticorin District.
3. The Sub-Registrar,
Joint - 1, Sub Registration Office,
Tuticorin.
4. The Tahsildar,
Tuticorin,
Tuticorin District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd Respondent to register the 2nd Respondent order in Pa.Mu/1791 - 2004, dated 10.01.2007, based on the Petitioner's representation, dated 30.01.2016, within the stipulated period by this Court.

For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.S.Kumar,
Addl.Govt.Pleader

ORDER

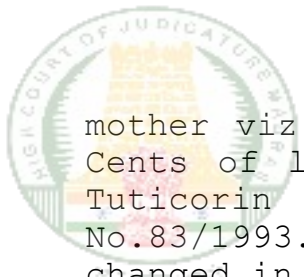
Heard both sides.

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

3. No counter is filed on behalf of the Respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

4. According to the Petitioner, he is a daily wage worker and on 26.02.1990 one Kanakaraj executed a Sale Deed, in favour of his



mother viz., Sudhanthiram Ammal, measuring an extent of 2 Acres 66 Cents of land in Survey No.654/1B, situated at Mullakadu Village, Tuticorin District, through Registered Sale Deed, bearing No.83/1993. After purchasing the property, all the revenue records changed in his mother's name and taxes paid in his mother's name.

WEB COPY

5. The grievance of the Petitioner is that all of a sudden, on 30.06.2001, the Fourth Respondent / Tahsildar, Tuticorin had colluded with some 3rd parties and passed an order for inclusion of 3rd parties name in the Patta No.1222, which belongs to his mother in proceedings TTR 1303-2001. As a matter of fact, the Fourth Respondent / Tahsildar, Tuticorin, without issuing any notice to his mother and without providing any opportunity included the 3rd parties name in the said Patta.

6. In fact, the 3rd parties are no way connected with his mother's property and they had created forged documents and approached the Fourth Respondent with unclean hands and that the Fourth Respondent / Tahsildar, Tuticorin, without verifying and conducting any enquiry and also not issuing any notice to his mother had passed the order in favour of the 3rd parties.

7. Later, on behalf of his mother, he projected an Appeal before the Second Respondent. After issuing notice to all the respective parties, the Second Respondent / Revenue Divisional Officer, Tuticorin, had allowed his Appeal, by remanding the matter back to the Fourth Respondent / Tahsildar, Tuticorin and further directed the Fourth Respondent to issue proper notice to concern parties and to enquire into the subject matter in issue, as per proceedings, dated 10.01.2007.

8. It comes to be known that after receiving the Second Respondent's order, the Fourth Respondent / Tahsildar, Tuticorin, issued notice to all concerned. As a matter of fact, the Petitioner appeared before the Fourth Respondent / Tahsildar, Tuticorin, on 10.05.2007 and submitted necessary records in favour of his mother and also the statement given by him. Thereafter, the Fourth Respondent / Tahsildar, Tuticorin, issued notice to other parties concerned, dated 02.05.2007 and 09.08.2007. However, others not appeared before the Fourth Respondent. Finally, the Fourth Respondent served the notice in person on 22.08.2007, to the interested persons and after receiving the said notice, they had not appeared before the Fourth Respondent. Therefore, on 20.09.2007, the Fourth Respondent / Tahsildar, Tuticorin, passed an orders, cancelling the others persons name in his mother's Patta No.1222 in Survey No.654/1B, dated 20.09.2007.

9. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that 30.01.2016, finally, the Petitioner addressed a representation to the Third Respondent and the I.G. of Registration Department, Chennai and the same was received on 03.02.2016. The I.G. of Registration after receiving



his representation, the Inspector General of Registration Department, issued a communication to the Third Respondent, on 03.03.2016, by stating that he had enclosed the copy of the complaint / petition, dated 30.01.2016 and also requested to take necessary action.

WEB COPY

10. It appears that the Petitioner in the Writ Petition had sought for passing of an order by this Court in directing the Third Respondent to Register the Second Respondent's order, dated 10.01.2007, based on the Petitioner's representation, dated 30.01.2016, within the time stipulated by this Court.

11. It is to be borne in mind that to seek a relief of Writ of Mandamus, there must be judicially enforceable right on the Petitioner. It is needless for this Court to relevantly point out that the Writ jurisdiction is an extraordinary jurisdiction and also a discretionary jurisdiction.

12. Considering the fact that the Petitioner's representation, dated 30.01.2016, which was transmitted by the Inspector General of Registration, to the District Registrar Administration, Thoothukudi, and also this Court, taking note of the fact that the First Respondent / District Collector, Tuticorin District, had also addressed a communication, dated 22.03.2016, to the District Registrar, Thoothukudi, in regard to the fraudulent registration of document, as per letter, dated 22.03.2016, at this stage, this Court, directs the Petitioner to submit a fresh representation, in the subject matter in issue, by addressing the Third Respondent / Sub Registrar, Joint-I Sub Registration Office, Thoothukudi, within a period of two weeks from the date of receipt of a copy of this order. Soon after receipt of the fresh representation of the Petitioner by the Third Respondent, the Third Respondent is directed to look into the said representation, within a period of two weeks from the date of receipt of a copy of the representation. Thereafter, the Third Respondent / Sub Registrar, Joint-1, Sub Registration Office, Tuticorin, is to pass a reasoned speaking order (Of-course, after providing necessary opportunity to the Petitioner and others concerned, by following the principles of natural justice), within a period of four weeks, thereafter.

13. 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,
Tuticorin District,
Tuticorin.

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

3. The Sub-Registrar,
Joint - 1, Sub Registration Office,
Tuticorin.

4. The Tahsildar,
Tuticorin,
Tuticorin District.

+ 1 CC TO MR.ANANTH C.RAJESH, ADVOCATE IN SR No. 46376

MPK

TE/AAL-MPA/SAR-I : 30/08/2016 : 4P/6C

W.P (MD) No.15542 of 2016
22.08.2016