



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Sixth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP (MD) No.8897 of 2018

IN

WP (MD) No.9633 of 2018

K.RATNAM,

... PETITIONER/PETITIONER

Vs

1 THE DISTRICT REGISTRAR,
O/O.THE DISTRICT REGISTRAR, KOKIRAKULAM,
PALAYAMKOTTAI, TIRUNELVELI-627 009.

2 THE SUB REGISTRAR,
MELAPALAYAM, TIRUNELVELI-627 005.

3 JAYALAKSHMI,

4 MUTHUSELVI.

5 GUNASEELAN,

6 C.PALAVESAM @ BALU,

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restrain the respondents 3 to 6 from entering into any agreement or executing conveyance of whatsoever nature in respect of the properties bearing Survey No.1000/1B and 1000/4 measuring about 97 cents out of the total extent of 4.41 acres in Survey No.1000 in Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli now sub division S No.1000/1B1, 1000/1B2, 1000/4A, 1000/4B now in T.S.No.140, 141, TS Ward AU, Block 10, Melapalayam Ward, Tirunelveli Corporation pending disposal of the above writ petition.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner and of MR.M.MURUGAN, Government Advocate for the Respondents 1 and 2, while admitting the Writ Petition the court made the following order:-

When there are sufficient materials to show that there was a collusive decree passed by fraud and non production of the patta is a pre-requisite for registering a document, as contemplated under Section 5 of Tamil Nadu Patta Passbook Act, 1983, the registering



authority was not justified in rejecting petitioner's representation relying on of Circular No.67, dated 03.11.2011. The documents produced before this Court *prima facie* reveal that the alleged Will and the Power of Attorney have been fraudulently made through forgery.

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2. Hence, there shall be an order of interim injunction restraining the respondents 3 to 6 from entering into any agreement or executing conveyance of whatsoever nature in respect of the properties bearing Survey Nos.1000/1B and 1000/4 measuring about 97 cents out of the total extent of 4.41 acres in Survey No. 1000 in Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli now sub division S.Nos.1000/1B1, 1000/1B2, 1000/4A, 1000/4B now in T.S.No.140,141, TW Ward AU Block 10, Melapalayam Ward, Tirunelveli Corporation for the present.

3. Mr. M.Murugan learned Government Advocate takes notice for R1 and R2. Notice to the respondents 3 to 6 returnable by 26.06.2018. Private notice is also permitted.

4. Post the matter of 26.06.2018.

sd/-

26/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT REGISTRAR,
O/O.THE DISTRICT REGISTRAR, KOKIRAKULAM,
PALAYAMKOTTAI, TIRUNELVELI-627 009.

2 THE SUB REGISTRAR,
MELAPALAYAM, TIRUNELVELI-627 005.

+1. C.C. to M/S.G.PRABHU RAJADURAI Advocate SR.No.7569

GJM/RR/VK/3.5.18-2P-4C

ORDER

IN

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Date :26/04/2018