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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.16325 of 2018

Nanjappa

... Petitioner

Vs

1. The Sub-Collector
Hosur, Krishnagiri District.
2. The Sub Registrar
Thenkanikotti Sub Registrar Office
Krishnagiri District.
3. Nanjappa
4. Subramani

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to cancel the settlement deed dated 30.06.2008 in Doc.No. 2943/2008 by considering the petitioner representation dated 19.10.2017.

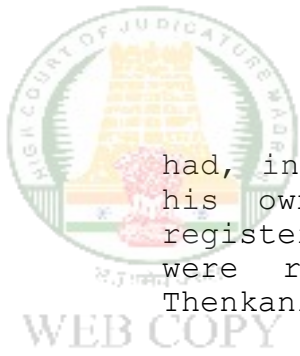
For Petitioner : Mr. MA.P.Thangavel

For RR 1 & 2 : Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

The Petitioner is Nanjappa, son of Late Narayanappa, resident at D.Barandur Village, Mugalur Post, Hosur Taluk, Krishnagiri District. The third respondent is also Nanjappa, son of Chinna Kulle Gowda and also resident of D.Barandur Village, Mugalur Post, Hosur Taluk, Krishnagiri District.

2. Among the lands possessed by the petitioner, S.No. 575/2C measuring 0.10.0 hectares is also one of the lands. Chitta has been granted by the Village Administrative Officer in his favour. However, taking advantage of the similarity in name, it is alleged that the third respondent Nanjappa had executed a settlement deed of the said lands in Document No. 2943 of 2008 on 30.06.2008. Not to be left with it, the petitioner herein, who is the actual owner of the said lands



had, in his turn, also executed a settlement deed in favour of his own wife, Rukumaniammal, on 31.10.2008 which was also registered as Document No. 4699 of 2008. Both the documents were registered by the second respondent, Sub Registrar, Thenkanikottai, Sub-Registrar Office, Krishnagiri District.

3. Obviously, the registration of the settlement deed on 30.06.2008 has created a cloud over the title of the property of the petitioner. Consequently, he had given a representation on 19.10.2017 to the respondents asking them to conduct an enquiry in this regard. There has been no response from the respondents which forced him to file a present Writ Petition seeking direction in the nature of Mandamus.

4. Mrs.P.Rajalakshmi, learned Additional Government Pleader, takes notice for the respondent Nos. 1 and 2.

5. A direction is issued to the first respondent, namely, The Sub-Collector, Hosur, Krishnagiri District, on the following:-

(i) To enquire the basis on which the settlement deed in Document no. 2943 of 2008 dated 30.06.2008 was registered by the Sub Registrar, Thenkanikottai, The Sub Registrar Office, when allegedly the said Nanjappa was not the true owner of the lands;

(ii) To enquire the circumstances surrounding settlement deed in Document No. 4699 of 2008 dated 31.10.2008 which is said to have been executed by the actual owner of the property also called Nanjappa;

(iii) The Sub Collector may also take the assistance of any other expert if he so requires to compare the thumb impression of both the said individuals of the same name Nanjappa in both the documents and also in the registry retained by the Sub Registrar Office to determine as to whether the present petitioner, who is the actual owner, had executed the settlement deed on 30.06.2008 or whether he was impersonated by the third respondent and a fraudulent settlement deed was so executed; and

(iv) This process naturally requires the first respondent to issue notice to not only the Sub Registrar, Thenkanikottai, Sub Registrar Office and call for the necessary records, but also seek the appearance of both the petitioner Nanjappa, son of Late Narayanappa and also the third respondent, Nanjappa, son of Chinna Kulle Gowda and the fourth respondent, Subramani, son of Nanjappa.

6. Sufficient opportunity may be granted to them to put forth their views and also produce documents to prove their



identity and also their pre-existing right or title over the property, namely, S.No. 575/2C, for which chitta has been issued in favour of the petitioner, Nanjappa, son of Late Narayanappa.

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7. A comprehensive report may be prepared by the Sub Collector and at any rate Sub Collector may devote personal attention to finalising the said report taking into account the fact that the petitioner herein is aged about 80 years, the said report may be finalised after giving opportunity to all the parties as stated above on or before 31.03.2020.

8. With these observations, the Writ Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Collector,
Hosur, Krishnagiri District.
2. The Sub Registrar,
Thenkanikotti Sub Registrar Office,
Krishnagiri District.

+lcc to Mr.Ma.P.Thangavel, Advocate Sr.100650

W.P.No.16325 of 2018

kk[co]
srg 26/12/2019