

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.25269 of 2019

R.Karthic

.. Petitioner

/versus/

1.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

2.The Tahsildar,
Uthangarai Taluk,
Uthangarai,
Krishnagiri District.

3.A.Natarajan

4.N.Parakasam

5.N.Prabhu @ Prabhakaran

6.N.Priya

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 28.03.2018 with regard to cancel the patta issued in favour of the 3rd respondent i.e in Pattas No.1036 and 1037, Karupattu Village, Uthangarai Taluk, Krishnagiri District.

For Petitioner

:Mr.V.Thirupathi

For Respondents

:Mr.J.Purushothaman, GA
for R1 and R2

O R D E R

The petitioner herein seeks Mandamus to direct the respondent to consider and pass orders on his representation dated 28.03.2018 with regard to cancellation of patta issued in favour of the 3rd respondent.

2. The representation of the petitioner is that the property in S.No.22/3 at Karapattu village, Uthakarai Taluk belongs to his mother. While so, his brother Natarajan and his wife Pachiammal have created fake documents on 06.05.2010 and had registered the same as Doc.No.2232 at Sub Registrar Office, Uthakarai in respect of 90 acres of land falling in S.No.22/2 and another Document bearing registration No.2233 in respect of S.No.22/1. Alleging that the transfer of the property was done by Natarajan and his family members creating forged documents, consequentially the patta Nos.1036 and 1037 were issued in their names which are liable to be cancelled pursuant to the decree passed by the District Munsif Court, Uthangarai.

3. In the counter filed by the 2nd respondent, it is specifically stated that the 3rd respondent has executed the deeds in favour of respondents 4 to 6. The 2nd respondent herein the Tahsildar is not aware of the details of those sale deeds. In the suit filed by the petitioner before the District Munsif Court, Uthangarai, the private respondents 3 to 6 are not the parties. However, the exparte decree has been passed in O.S.No.34/2017 by the District Munsif Court on 05.09.2017 cancelling the sale deeds Nos.2231/2010, 2232/2010 and 2233/2010 executed by the 3rd respondent in favour of respondents 4 to 6. A direction has also been given to the Sub Registrar to make necessary entries in the office records of the Sub Registrar, Uthangarai.

4. In such circumstances, based on the representation given by the petitioner, the petitioner was called to furnish the orders of the Civil Court and other relevant documents, which the petitioner has not furnished. Hence, the Sub Registrar, Uthangarai has addressed to the petitioner to furnish the details of the deeds executed by the 3rd respondent.

5. It is stated in the counter that if the petitioner furnishes the order of the Civil Court along with other relevant particulars, his representation dated 28.03.2018 will be considered after conducting due enquiry. From the counter it appears that the exparte decree without impleading respondents 3 to 6 herein has been obtained by the petitioner. Even in this

writ petition sofar no notice has been served to the private respondents 3 to 6.

6. Be that as it may. Now the counter of the 2nd respondent indicates that based on the representation given by the petitioner, the petitioner has been called to produce the documents in support of his representation. But sofar the petitioner has not furnished those details.

7. In such circumstances, the prayer in the writ petition cannot be entertained. It is open to the petitioner herein to produce all the relevant documents in support of his representation dated 28.03.2018 to the 2nd respondent, who in turn shall consider the same and dispose of the representation of the petitioner dated 28.03.2018 after conducting proper enquiry.

8. With the above observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

2.The Tahsildar,
Uthangarai Taluk,
Uthangarai,
Krishnagiri District.

+1cc to Mr.V.Thirupathi, Advocate sr.89070
+1cc to Government Pleader SR.NO. 88705

W.P.No.25269 of 2019

sgi(co)
nr 22/11/2019

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