

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.2704 of 2018 and W.P.No.13409 of 2018

P.Sellamuthu

.. Petitioner in both the petitions

-vs-

1. Thiru Hakkim Basha
2. Tmt.Zubitha Begum
3. Thiru.P.Srinivasan

.. Respondents in Cont.P.No.2704 of 2018

1. The District Revenue Officer
Perambalur District
Perambalur
2. The Revenue Divisional Officer
Perambalur Division
Perambalur
3. The Tahsildar
Veppanthattai Taluk
Veppanthattai
Perambalur District
4. The Sub Registrar of Registration
Valigandapuram & Post
Perambalur District

5. Thiru Hakkim Basha
6. Tmt.Zubitha Begum

.. Respondents in W.P.No.13409 of 2018

Contempt Petition No.2704 of 2018 is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order of this Court dated 6.6.2018 made in W.M.P.No.15808 of 2018

in W.P.No.13409 of 2018.

Writ Petition No.13409 of 2018 is filed under Article 226 of the Constitution of India, praying for issue of a Writ of Mandamus, directing the third respondent to implement the orders of the first respondent passed in Na.Ka.A2/ 14139/2013 dated 30.9.2015 relating to cancellation of patta in respect of the lands in SF No.398/1, 398/3 and SF No.404/2 of Pasumbalur (North) Village, Veppanthattai Taluk, Perambalur District measuring an extent of 5.97 acres and consequently direct the fourth respondent to cancel the sale deeds in document Nos.1140 and 1141 of 2017 dated 18.4.2017 executed in favour of the fifth and sixth respondents.

For Petitioner :: Mr.S.Kamadevan

For Respondents :: Mr.K.Ravikumar
Additional Government Pleader
for R1 to 3 in the writ petition
Mr.T.M.Pappiah
Special Government Pleader
for R4 in the writ petition
Mrs.N.Mala for
Mr.T.Gnanabanu for the
respondents in the contempt
petition and for R5 & 6 in
the writ petition

ORDER

Heard the learned counsel for the parties.

2. When the matters were taken up, Mr.T.M.Pappiah, learned Special Government Pleader for the fourth respondent in the writ petition stated that the patta

issued by the revenue authority was cancelled on the basis of the judgment and decree passed by the first appellate Court in A.S.No.94 of 2008 dated 30.3.2015 and the judgment and decree passed by this Court in S.A.No.857 of 2018 dated 24.1.2019. However, the sale deed executed, on the basis of the judgment and decree passed by the trial Court in O.S.No.673 of 1996 dated 17.4.2004, which were reversed by the first and second appellate Courts, has not been cancelled. The learned Special Government Pleader also submitted that the petitioner has not till date placed on record the judgment and decree passed by the first appellate Court in A.S.No.94 of 2008 dated 30.3.2015, reversing the judgment and decree passed by the trial Court and also the judgment and decree passed by this Court in S.A.No.857 of 2018 dated 24.1.2019, re-confirming the judgment and decree passed by the first appellate Court. After receiving all the judgments and decrees and also the order passed by the revenue authority cancelling the patta, the fourth respondent/Sub Registrar, Valigandapuram Post, Perambalur District will consider the request of the petitioner.

3. In reply, the learned counsel for the private respondents submitted that since the writ petitioner has

approached with a delay of seven years, he cannot insist upon the cancellation of the sale deed.

4. But this Court finds no merit on the said contention. The reason being that the first appellate Court had reversed the judgment and decree passed by the trial Court in O.S.No.673 of 1996, by the judgment and decree dated 30.3.2015 passed in A.S.No.94 of 2008. Therefore, they cannot have any grievance. Moreover, the said judgment and decree passed by the first appellate Court have also been again confirmed by this Court in S.A.No.857 of 2018 by the judgment and decree dated 24.1.2019, which have also become final. Therefore, two weeks time is granted to the petitioner to make a representation enclosing the copies of the judgment and decree passed by the first appellate Court in A.S.No.94 of 2008 dated 30.3.2015 and also the judgment and decree passed by this Court in S.A.No.857 of 2018 dated 24.1.2019 for consideration by the Sub Registrar, Valigandapuram, Perambalur District, the fourth respondent in the writ petition, who shall consider the request, without taking any plea of limitation, as he is bound to act on the basis of the judgments and decrees passed by the first and second appellate Courts, and do the needful for cancellation of

the sale deed within a period of four weeks from the date of receipt of such representation from the petitioner. With this direction, both the writ petition and the contempt petition stand disposed of. Consequently, W.M.P.No.15808 of 2018 stands closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ss

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Mv/09/07/2019

To

1. The District Revenue Officer
Perambalur District
Perambalur
2. The Revenue Divisional Officer
Perambalur Division
Perambalur
3. The Tahsildar
Veppanthattai Taluk
Veppanthattai
Perambalur District
4. The Sub Registrar of Registration
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