



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

W.P. (MD) No. 8101 of 2018
and
W.M.P. (MD) No. 7687 of 2018

1.R.Gopalsankar

2.G.Johndevi

3.Minor G.Nivetha

4.Mionr G.Harini ... Petitioners
(Minor petitioners 3 & 4 are represented by
her Mother, Guardian and next friend
G.Johndevi)

(Petitioners 2 to 4 are impleaded vide Court
order dated 23.04.2019 in W.M.P. (MD) No. 6162 of
2019 in W.P. (MD) No. 8101 of 2018)

Vs

1.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

2.Usha ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of 1st respondent in Ni.Mu.3346/2017/A4, dated 28.03.2018 and quash the same as illegal, arbitrary and unenforceable.

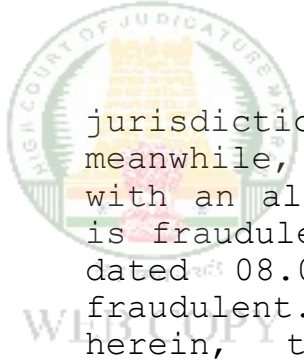
For Petitioners : Mr.V.K.Vijayaragavan

For Respondents : Mr.M.Karuppasamy
Government Advocate for R1

: Mr.B.Prasanna Vinodh for R2

ORDER

The original writ petitioner namely., Gopalsankar is the brother-in-law of the second respondent namely., Usha. Gopalsankar's brother namely Srinivasan had passed away. After his demise, it is stated that Gopalsankar's mother, Usha and Usha's daughter executed a sale deed in favour of Gopalsankar. Questioning the same, Usha has filed comprehensive civil suit before the



jurisdictional Civil Court. The said suit is still pending. In the meanwhile, Usha approached the Executive Magistrate, Pattukottai with an allegation that the registered sale deed dated 10.10.2008 is fraudulent. She further alleged that the legal heir certificates dated 08.09.2008 issued by the Revenue Authorities are also fraudulent. Accepting the allegations made by the second respondent herein, the Executive Magistrate/Revenue Divisional Officer, Pattukottai passed the impugned order dated 28.03.2018, directing the Sub Registrar, Erandampulikadu, to nullify all the documents executed in the name of Usha in favour of Gopalsankar. This order dated 28.03.2018 is under challenge in this writ petition.

2. During the pendency of the writ petition, Gopalsankar was murdered. His legal heirs had come on record. The learned counsel appearing for the writ petitioner submitted that the impugned order is patently without jurisdiction.

3. I am fully agreeing with the said submission. The Executive Magistrate/Revenue Divisional Officer has no authority to direct the registering authority to nullify any registration. If registration is vitiated by fraud, the jurisdictional Civil Court alone can grant the relief of annulment. The Executive Magistrate could not have passed the impugned order. The impugned order is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS)

To:

The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-62103[F] dated 24/04/2019)

+1 CC to M/s.B.PRASANNA VINOTH, Advocate
(SR-62014[F] dated 24/04/2019)

+1 CC to M/s.V.K.VIJAYA RAGAVAN, Advocate
(SR-62695[F] dated 25/04/2019)

W.P. (MD) No.8101 of 2018

23.04.2019