



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.04.2019

CORAM:

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

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W.P. (MD) Nos.10767 and 10768 of 2018
and
W.M.P. (MD) Nos.9869, 9870, 9871, 9872,
11750, 11751, 14529 and 14530 of 2018

1.R.Gopalsankar(died)

2.G.Johndevi

3.Minor G.Nivetha

4.Mionr G.Harini ... Petitioners in both W.Ps
(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)Nos.6163
and 6164 of 2019 in W.P.(MD)Nos.10767 and
10768 of 2018)

Vs

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The District Registrar,
Pattukkottai, Thanjavur District.

3.Revenue Divisional Officer,
Pattukkottai, Thanjavur District.

4.The Tahsildar,
Pattukkottai, Thanjavur.

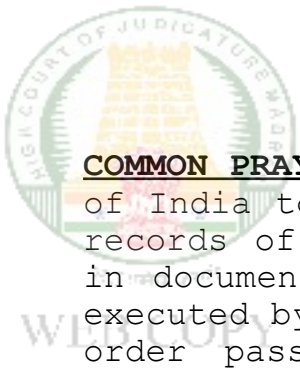
5.The Sub-Registrar,
Erandampulikadu, Pattukkottai Taluk,
Thanjavur District.

6.The Sub-Registrar,
Thiruvonam, Orathanadu Taluk,
Thanjavur District.

7.Usha & Usha Rani
<https://hcservices.ecourts.gov.in/hcservices/>

8.Sivanandam

... Respondents in both W.Ps



COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the order passed by the 5th respondent dated 17.04.2018 in document Nos.701/2008 & 702/2008 dated 10.10.2008, respectively executed by the 7th respondent to the petitioner on the basis of the order passed by the 3rd respondent in Ni.Mu.3346/2017/A4 dated 28.03.2018 on the basis of the letter issued by the 1st respondent to the 5th respondent through the 2nd respondent in Lr.No.15986/C1/2018 dated 10.04.2018 and on the basis of the proceedings of the 2nd respondent in Na.Ka.No.838/Aa.1/2018, dated 11.04.2018 and quash the same as illegal, arbitrary and unenforceable and restore the sale deed registered in document Nos.701/2008 & 702/2008 dated 10.10.2008 and its connected records to its original position.

(In both W.Ps.)

For Petitioners : Mr.V.K.Vijayaragavan

For Respondents : Mr.M.Murugan

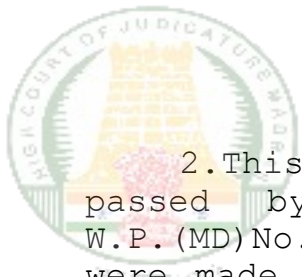
Government Advocate for R1 to R6

: Mr.B.Prasanna Vinoth for R7

: No appearance for R8

COMMON ORDER

The original writ petitioner namely., Gopalsankar is the brother-in-law of 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 Usha, the Executive Magistrate/Revenue Divisional Officer, Pattukottai passed the 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 was questioned through W.P.(MD)No.8101 of 2018. While entertaining the writ petition, an order of interim stay was granted by this Court. But notwithstanding the same, the registering authority namely., Sub-Registrar, Erandampulikadu and the Sub-Registrar, Thiruvonam, made the impugned endorsement in the petition mentioned sale deed dated 10.10.2008. Challenging the said endorsements, whereby the Sub-Registrar purported to cancel the registration, these writ petitions were filed by Gopalsankar. During the pendency of these writ petitions, he was murdered and his legal heirs had come on record.



2.This Court had already quashed the order dated 28.03.2018 passed by the Revenue Divisional Officer, Pattukottai in W.P.(MD)No.8101 of 2018. The impugned endorsements of nullification were made only pursuant to the order dated 28.03.2018. Since the order has been quashed, the consequential endorsement will have to go.

3.At this stage, the learned counsel appearing for the contesting respondent submitted that she had already given a complaint dated 16.03.2018. The District Registrar, Pattukottai is directed to hold an enquiry in the said complaint in terms of Circular bearing Letter No.41530/U1/2017, dated 31.07.2018 and finalise it in accordance with law after putting all the interested parties on notice.

4.Accordingly, the impugned endorsements are quashed and the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

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To:

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Registrar,
Pattukkottai, Thanjavur District.
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- 4.The Tahsildar,
Pattukkottai, Thanjavur.
- 5.The Sub-Registrar,
Erandampulikadu,
Pattukkottai Taluk,
Thanjavur District.
- 6.The Sub-Registrar,
Thiruvonam, Orathanadu Taluk,
Thanjavur District.



+1 CC to M/s.B.PRASANNA VINOTH, Advocate
(SR-62013[F] dated 24/04/2019)

+2 CC to M/s.V.K.VIJAYA RAGAVAN, Advocate
(SR-62696, 62694[F] dated 25/04/2019)

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