



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.21158 of 2019

Chellappa

... Petitioner

Vs.

- 1.The Commissioner,
Revenue Department,
State of Tamil Nadu,
Ezilagam, Chennai-600 005.
- 2.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 3.The District Registrar,
Office of the District Registrar,
Tirunelveli District.
- 4.The Sub Registrar,
Office of the Sub Registrar,
Puliyangudi, Tirunelveli District.
- 5.The Thasildar,
Office of the Thasildar,
Kadayanallur Taluk,
Tirunelveli District.

- 6.Kuttiraj
- 7.Paunraj

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent Nos.1 to 5 to take action in accordance with law by considering petitioner's representation dated 21.08.2019 within the time stipulated by this Court.



For Petitioner

: Mr.R.Alagumani

For R1 to R5

: Mr.A.K.Baskara Pandian
Special Government Pleader,

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ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Alagumani, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the official respondents. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is before this Court seeking for a direction to consider his representation, dated 21.08.2019, in which it is stated that the respondents 6 and 7 have committed fraud by illegally creating forged documents and transferring a property owned by a temple in their favour and subsequently, executed a gift deed in favour of the municipality.

3. According to the petitioner, the respondents 6 and 7 have no right to deal with the property and based on the forged documents they have claimed, as if they are the owners. The sixth respondent had filed W.P.(MD)No.4402 of 2019 praying for a direction to the Sub Registrar, Puliyangudi to register the gift deed, which he wanted to execute in favour of the Puliyangudi Municipality. The Court had disposed of the said writ petition by observing that the sixth respondent / writ petitioner must have competence to execute the gift deed and it should be accepted by the municipality subject to fulfilment of formalities.

4. It is not clear as to whether the Municipality had examined whether the persons, who had executed the gift deed, have valid title over the property. We are unable to make any observation in this regard because the Municipality has not been impleaded as respondent. Further more, we are unable to ascertain the correctness of the statement of the petitioner that the owner of the property is Temple, because the Temple is not a party to this writ petition. In any event, since there is an allegation of creation of forged documents, the authorities should look into the complaint made by the petitioner vide his representation, dated 21.08.2019. Accordingly, we direct the fifth respondent to consider the representation, dated 21.08.2019, conduct an inspection, examine the documents, verify the official records and take a decision on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.



5. With the above direction, this writ petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

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To

- 1.The Commissioner,
Revenue Department,
State of Tamil Nadu,
Ezilagam, Chennai-600 005.
- 2.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 3.The District Registrar,
Office of the District Registrar,
Tirunelveli District.
- 4.The Sub Registrar,
Office of the Sub Registrar,
Puliyangudi, Tirunelveli District.
- 5.The Thasildar,
Office of the Thasildar,
Kadayanallur Taluk,
Tirunelveli District.

+1 CC to M/s.DR. R. ALAGUMANI, Advocate (SR-91124[F] dated 03/10/2019)

+1 CC to M/s.GP (SR-91354[F] dated 04/10/2019)

W.P (MD) No.21158 of 2019
03.10.2019

JMN(22.10.2019) 3P : 8C