



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2020

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.6770 of 2020 and
WMP(MD).No. 6155 of 2020

K. Palanikumar

...Petitioner

vs.

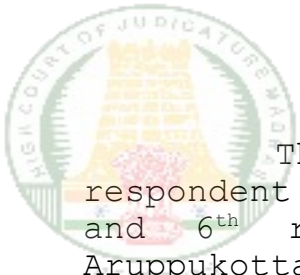
1. The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The Sub Registrar,
Perunali, Kamuthi Taluk,
Ramanathapuram District.
- 5.Karuppaih
- 6.Thirumurugan

...Respondents

PRAYER:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent No.4 from registering any document or sale deed of the 5 and 6th respondent in respect of the property situated Aruppukottai Taluk, Paralachi Post, P.Melaiyur Village in S.No.95/18 in assignment Patta No.1536 based on the representation of the petitioner dated 03.06.2020.

For Petitioner : Mr.G. Mariappan

For Respondents : Mr. V. Anand
Government Advocate



ORDER

This Writ Petition has been filed for forbearing the respondent No.4 from registering any document or sale deed of the 5 and 6th respondent in respect of the property situated at Aruppukottai Taluk, Paralachi Post, P.Melaiyur Village in S.No.95/18 in assignment Patta No.1536, based on the representation of the petitioner dated 03.06.2020.

2. The case of the petitioner is that the 5th respondent is the brother of petitioner's father. That the property is situated in Aruppukottai Taluk, Paralachi Posst, P. Melaiyur Village in assignment Patta No.1536 in S.No.95/18, measuring about 18 Cents is the Government promboke land which is classified as "mdhjPdk;" as per SLR records. The petitioner's father and the 5th respondent were in possession and enjoyment of the property. The petitioner's father and the 5th respondent represented before the respondents 1 to 3 to assign the said promboke land to their family, so that they can commonly enjoy the same. But, the said land was assigned with the 5th respondent's name. The petitioner's father name was not found in the same as they were staying in the joint family under the impression that the 5th respondent will give partition in the said lands. But, the 5th respondent had executed a settlement deed in favour of 6th respondent and he made arrangement to sell the same to the third parties. As the land was assigned to them for specific purpose, the same cannot be transferred to the third parties. In fact, the land could not be sold according to the assignment orders, as the property stands in the name "அனாதீனம்" the fourth respondent cannot register a sale deed of the property in the name of any other person. However, the respondents 5 and 6 are taking steps for registering the sale deed in favour of third parties. In such circumstances, the petitioner has come out with the present Writ petition seeking for forbearing the respondent No.4 from registering any document or sale deed of the 5 and 6th respondent in respect of the property situated at Aruppukottai Taluk, Paralachi Post, P.Melaiyur Village in S.No.95/18 in assignment Patta No.1536, based on the representation of the petitioner dated 03.06.2020.

3. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. From the documents filed it is clear that the property in S.No.95/18 measuring about 18 Cents situated in Aruppukottai Taluk, Paralachi Posst, P. Melaiyur Village in assignment Patta No.1536 is the Government promboke land which is classified as "அனாதீனம்" as per SLR records written in hand and therein the petitioner's father's name was not found and the petitioner has also not filed any other document to show that they were in possession of the property and no Civil Court decree has been obtained to prove the title that they are in possession. In view of the same, in the absence of any materials to prove their claim that they are in possession of the property along with 5th respondent, this Court is



not inclined to entertain this petition. Accordingly, this Writ Petition is dismissed. However, the petitioner is given liberty to approach the concerned Civil Court to prove his case to proceed further in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The Sub Registrar,
Perunali, Kamuthi Taluk,
Ramanathapuram District.

W.P(MD)No.6770 of 2020 and
WMP(MD) .No. 6115 of 2020

16.06.2020

SPU (23.06.2020) 3P-5C