



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.17997 of 2020

S.Nandha Kumar

... Petitioner

Vs.

1.The District Collector,
Trichy,Trichy District.

2.The District Revenue Officer,
Lalgudi Taluk,Trichy, Trichy District.

3.The Regional Divisional Officer,
Lalgudi Taluk,Trichy,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to enter names in A-Register as per Patta No.849 with regard to the properties in Survey Nos.146/10 and 146/11B situated in L.Abhishekpuram Village, Lalgudi Taluk, Trichy District by removing the earlier entry by considering the petitioner's representation dated 29.10.2020 within the time stipulated by this Court.

For Petitioner

: Mr.M.Pitchai Muthu

For Respondents

: Mr.M.Muniyasamy

Additional Government Pleader

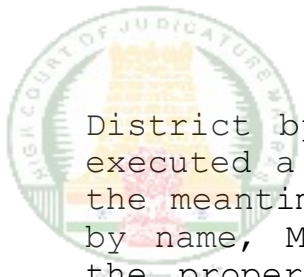
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to enter the names of the petitioner, his brother and sisters in A-Register as per Patta No.849 with regard to the properties in Survey Nos.146/10 and 146/11B situated in L.Abhishekpuram Village, Lalgudi Taluk, Trichy District by removing the earlier entry by considering the petitioner's representation dated 29.10.2020 within the time stipulated by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.M.Muniyasamy, learned Additional Government Pleader accepts notice on behalf of the respondents.

4. The case of the petitioner is that the petitioner's grandmother purchased the property in Survey Nos.146/10 and 146/11B situated in L.Abhishekapurarm Village, Lalgudi Taluk, Trichy



District by a registered sale deed dated 24.09.1942 and then, she executed a settlement deed in favour of the petitioner's mother. In the meantime, by creating forged documents, one Vitaldhas's sons, by name, Maruthanayagam and Ramesh kumar are said to have changed the property in their name and obtained a Patta No.436 and they interfered into the petitioner and his family members' peaceful possession and enjoyment of the subject property. Thereafter, both the parties have filed civil suits and during the pendency of the two suits, the petitioner's mother had died in the year 1991. Thereafter, both the parties have entered in to compromise on 01.08.2012 and the said Maruthanayagam and Ramesh kumar and their sister by name, V.Rajalakshmi have executed a registered release deed in respect of the above said property in favour of the petitioner and his family members, for which they have filed no objection memo before the 3rd respondent with regard to change the patta in the name of the petitioner and his brother, by name, Sathasivam @ Babu and his sisters, by name, Mahalakshmi and Thaiyalnayagi. On the basis of the same, on 26.09.2012, the 2nd respondent has passed an order to change the patta in their names and thereafter the patta stands in the names of the petitioner and his family members in Patta No.849. Subsequently, when the petitioner verified A-register with regard to the above said survey numbers, it still stands in the name of the said Maruthanayagam and Ramesh Kumar. Therefore, the petitioner sent a detailed representation to the respondents on 29.10.2020 to take necessary action to rectify the mistake occurred in the A-Register. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. This Court is of the considered view that the issue has got to be decided by the Appellate Authority, namely, first respondent. Hence, without going to the merits of the case, this Court directs the Appellate Authority, namely, first respondent to dispose of the representation of the petitioner dated 29.10.2020, after hearing the necessary parties, within a period of 60 days from the date of receipt of a copy of this order. The genuineness of the release deed has got to be ascertain from the Sub Registrar Office and thereafter, decision may be taken in this regard.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Trichy,
Trichy District.

2.The District Revenue Officer,
Lalgudi Taluk,
Trichy, Trichy District.

3.The Regional Divisional Officer,
Lalgudi Taluk,
Trichy,
Trichy District.

+1 CC to M/s M.Pitchai Muthu, Advocate, in SR.No.25005.

+1 CC to Special Government Pleader SR.No.24839.

W.P. (MD) No.17997 of 2020

09.12.2020

(PU) CO

AP (06/01/2021) 3P 6C