



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.18387 of 2020

WEB COPY

V.Somasundaram Chettiyar

...Petitioner

-Vs-

1.The District Registrar,
O/o, the District Registrar,
Karaikudi,
Sivagangai District.

2.The Joint Sub Registrar No.II,
Karaikudi,
Sivagangai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to de-list the documents registered before the 2nd respondent in Document Nos.5363/2007 dated 22.08.2007 and 4241/2017 dated 27.11.2017 and not to list any further un-connected documents in the encumbrance certificate relating to the petitioner's land property comprised in Survey Nos.308/2 and 308/3 situated at Kalaivasal Village, Karaikudi Taluk, Sivagangai District based on the petitioner's representation dated 07.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

This Writ Petition has been filed, seeking a direction to the respondents to de-list the documents registered before the 2nd respondent in Document Nos.5363/2007 dated 22.08.2007 and 4241/2017 dated 27.11.2017 and not to list any further un-connected documents in the encumbrance certificate relating to the petitioner's land property comprised in Survey Nos.308/2 and 308/3 situated at Kalaivasal Village, Karaikudi Taluk, Sivagangai District based on the petitioner's representation dated 07.10.2020 within the time stipulated by this Court.

2. The case of the petitioner is that the property comprised in Survey Nos.308/2 and 308/3 to an extent of 1.13.0 Hectare and . 13.0 Hectare, situated at Kalaivasal Village, Karaikudi Taluk, Sivagangai District, is the petitioner's ancestral property. During the year 1946, a suit was instituted for partition of common properties before the learned Subordinate Court, Devakottai and thereafter, by Court order, the above said common properties were



partitioned by which the petitioner's father, namely, Veerappa Chettiyar was received his share of the property. Since the lands were in litigation and the same is pending, the land properties were classified as Held Over properties in the revenue records till the disposal of litigation. While so, during the year 1983, the Government has issued a scheme called as "Updating Registry Scheme"(UDR). By taking advantage of the said scheme, the Assistant Land Settlement Officer, misusing his official position, wrongly issued patta in the name of Udayammai and her sister Kalyani as if the lands are belonged to the Government. On knowing the manipulation of records, the petitioner made representation to the concerned officials to rectify the errors. Thereafter, on 09.04.2009, the Revenue Divisional Officer has issued a communication to the respondents not to register any documents. When the matter stood thus, till the year 2012 there is no documents were shown in the encumbrance certificate pertaining to the petitioner's land property. However, during the month of March, 2020, the petitioner found that two documents were registered with the second respondent in Document Nos.5363/2007 dated 22.08.2007 and 4241/2017 dated 27.11.2017 in the encumbrance certificate. Therefore, the petitioner made a representation to the second respondent on 07.10.2020 for de-listing the unconnected documents. Since no effective efforts have been taken, he has approached this Court seeking aforesaid prayer.

3.This Court without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 07.10.2020 in accordance with law, after affording opportunity to the petitioner as well as the parties, who are likely to be affected or the parties, who are interested, within a period of one month from the date of receipt of a copy of this order.

4. This Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Registrar,
O/o, the District Registrar,
Karaikudi,
Sivagangai District.

2.The Joint Sub Registrar No.II,
Karaikudi,
Sivagangai District.

+1CC to M/s.SP1 GP,SR.No.25530 dated 15/12/2020

W.P. (MD) No.18387 of 2020
14.12.2020

SRK(CO)
KB(06.01.2021) 3P 4C