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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8278 of 2021
and
W.M.P.No.8816 of 2021

Narayanamma

... Petitioner

Vs

- 1.The Inspector General cum Chief Revenue Officer,
Registration Department,
Santhome High Road,
Mylapore, Chennai - 600 004.
- 2.The District Registrar (Administration)
Krishnagiri District.
- 3.The Revenue Divisional Officer,
Hosur Division,
Krishnagiri District.
- 4.The Tahsildar,
Hosur Taluk,
Krishnagiri District.
- 5.The Sub-Registrar,
Hosur,
Krishnagiri.

6.Rathinamma

7.Manjunath

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the Proceedings dated 31.08.2010 vide Mu.Mu.No.6814/2009 (B3), passed by the 3rd Respondent and Proceedings dated 29.05.2012 in Na.Ka.No.2026/U/2002, passed by the 2nd Respondent and quash the same and consequently direct the 5th Respondent to restore the Settlement Deed dated 10.10.2005, registered as Document No.9307/2005.



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For Petitioner : Mr.R.Bharth Kumar

For R1 and R5 : Mr.Yogesh Kannadasan
Special Government Pleader

For R2 to R4 : Mr.P.Baladhandayutham
Special Government Pleader

For R6 and R7 : M/s.R.Poornima

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for records relating to the Proceedings dated 31.08.2010 vide Mu.Mu.No.6814/2009 (B3) passed by the 3rd Respondent and Proceedings dated 29.05.2012 in Na.Ka.No.2026/U/2002 passed by the 2nd Respondent and quash the same and consequently direct the 5th Respondent to restore the Settlement Deed dated 10.10.2005 registered as Document No.9307/2005.

2. On written instructions from the 5th respondent, the learned Special Government Pleader appearing for the 1st and 5th respondent submitted that as per the Circular No.41350/U1/2017 dated 09.04.2018 issued by the Inspector General of Registration, Chennai, the District Registrar, Krishnagiri/the 2nd respondent herein issued rescinding order vide proceedings No.1378/U/2018-18 dated 03.05.2018, thereby annulled the registration of Settlement Deed dated 10.10.2005 registered vide Document No.9307/2005, has been withdrawn. The said order has also duly marked to the petitioner as well as 6th and 7th respondents herein. Subsequent to the order dated 03.05.2018, the 5th respondent also recorded in the register and it is reflected in the encumbrance certificate.

3. In view of the above, the proceedings No.1378/U/2018-18 dated 03.05.2018 passed by the 2nd respondent and the subsequent entries made by the 5th respondent, are hereby set aside.

4. In so far as challenging the proceedings dated 31.08.2010 vide Mu.Mu.No.6814/2009 (B3) passed by the Revenue Divisional Officer, Hosur Division, Krishnagiri District/the 3rd respondent herein, the petitioner has appellate remedy before the concerned District Revenue Officer as contemplated under Section 13 of the Tamil Nadu Patta Passbook Act, 1983. Therefore, the petitioner is directed to file an appeal before the District Revenue Officer, Krishnagiri District within a



period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the District Revenue Officer, Krishnagiri is directed to dispose the appeal, after issuance of notice to the petitioner and the 6th and 7th respondents and after giving opportunity of hearing to them, pass orders on merits and in accordance with law, within two weeks, thereafter.

5. With the above directions, this writ petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CSIII)

//True copy//

Sub Assistant Registrar

dm

To

- 1.The Inspector General cum Chief Revenue Officer,
Registration Department,
Santhome High Road,
Mylapore, Chennai - 600 004.
- 2.The District Registrar (Administration)
Krishnagiri District.
- 3.The Revenue Divisional Officer,
Hosur Division,
Krishnagiri District.
- 4.The Tahsildar,
Hosur Taluk,
Krishnagiri District.
- 5.The Sub-Registrar,
Hosur, Krishnagiri.

+1cc to Mr.R.Bharth Kumar, Advocate SR.No.69923

+1cc to M/s.R.Poornima, Advocate SR.No.69461

+1cc to Government Pleader SR.No.69910

W.P.No.8278 of 2021

NMI (CO)
GMY(12/01/2022)