



ORDER

This writ petition has been filed for a Mandamus to direct the second respondent to consider the notice dated 30.11.2020 and which was posted on 07.12.2020 sent on behalf of the petitioner by conducting an enquiry and affording opportunity to the petitioner and the respondents 3 and 4 and to pass appropriate orders for restoring patta No.341.

2.The case of the petitioner is that the land measuring a total extent of 2 acre and 37 cents comprised in Ayan Punja Survey No.60/6 situated in Vasudevanur Village, Chinna Salem Taluk, Villupuram District, her husband Narayanasamy is in possession of the aforesaid lands were originally in possession and enjoyment of one Ramasamy Padayachi.

3.The petitioner submits that during his life time, the above said Ramasamy Padayachi had executed a Settlement Deed in favour of his daughter Sengammal on 04.05.1984, the said Sengammal in turn sold the entire land in favour of Pachamuthu, who is her father-in-law by a registered Sale Deed dated 03.09.2001 and her father-in-law in turn executed a Settlement Deed dated 01.06.2004 registered as Document No.1120 of 2004, settling the aforesaid land in favour of her husband Narayanasamy and her husband Narayanasamy is in possession and enjoyment of the aforesaid land from 01.06.2004 as a true and lawful owner.

4.According to the petitioner, recognizing the possession of her husband, joint patta No.341 was issued in the names of her father-in-law Pachamuthu, Manimaran and one Veeramuthu.

5.The petitioner submits that Velayutham, father of the third respondent herein along with his men attempted to interfere with the peaceful possession and enjoyment of the land by her father-in-law during the year 2001 and her father-in-law had filed a suit in O.S.No.665 of 2021 before the District Munsif Court, Kallakurichi against Velayutham, father of the third respondent praying for a declaration to declare that her father-in-law is the owner of the property and for a consequential permanent injunction restraining the defendant-Velayutham from interfering with the peaceful possession and enjoyment of the suit property, the suit was decreed on 24.01.2006.



WEB COURT

6.The petitioner further submits that aggrieved over the same, the father of the third respondent Velayutham had filed A.S.No.40 of 2006 before the Sub Court, Kallakurichi and subsequently transferred to the District Sessions Court (Fast Track Court), Kallakurichi and re-numbered as A.S.No.48 of 2008.

7.According to the petitioner, during the pendency of A.S.No.48 of 2008, the appellant Velayutham, father of the third respondent herein died and therefore, his legal heirs have been brought on record and the appeal in A.S.No.48 of 2008 was dismissed on 27.09.2010.

8.The petitioner submits that suppressing filing of the above said case in A.S.No.48 of 2008, the third respondent herein has filed an independent suit in O.S.No.361 of 2013 against her father-in-law Pachamuthu and her husband Narayanasamy before the Principal Subordinate Judge, Kallakurichi for a bare injunction, the suit in O.S.No.361 of 2013 was decreed exparte and her husband or herself has no knowledge about the filing of the suit in O.S.No.361 of 2013 and the exparte decree passed in the above suit on 08.10.2018.

9.The petitioner further submits that the suit in O.S.No.361 of 2013 was partially allowed against which the third and fourth respondents herein have filed an appeal with delay.

10.According to the petitioner, on the basis of the aforesaid exparte decree passed in O.S.No.361 of 2013 on 08.10.2018, the respondents 3 and 4 have created a document and got it registered in the office of the Sub-Registrar, Kallakurichi and on the strength of the above forged and fabricated document, the respondents 3 and 4 have maneuvered to get the joint patta No.341 cancelled and instead obtained an independent patta No.1377 in the name of the fourth respondent herein.

11.The petitioner submits that her husband submitted a representation seeking independent patta in respect of his portion of the property, but the same was rejected by the second respondent herein in his proceedings Mu.Mu.A5/112/2019 dated 13.08.2019 by stating that I.A.No.41 of 2019 is filed against the decree passed in O.S.No.361 of 2013 dated 08.10.2018 and therefore, the application of her husband could not be processed



2. The Tahsildar,
Chinna Salem Taluk,
Kaspa Chinna Salem,
Kallakurichi District.

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+2CCs to M/s.Dawood Khan, Advocate, SR.No. 48075

W.P.No.12186 of 2021

RLD(CO)

B.VC (22/10/2021)