



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18117 of 2021

P. Ramachandran

...Petitioner

-Vs-

1. The District Registrar,
District Registration Office,
Thiruvannamalai District.
2. The Sub-Registrar,
Vanthavasi Sub-Registrar Office,
Thiruvannamalai District.
3. E. Ekambaram,
4. E. Veeraraghavan,
5. Selvam

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 08.04.2021 and conduct the enquiry based on the representation and pass orders accordingly.

For Petitioner :: M/s.C.S. Anu Varghese

For Respondents 1& 2 :: Mr. Yogesh Kannadasan
(Government Advocate)

For Respondents 3 - 5 :: No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to the 1st respondent to consider the representation of the petitioner dated 08.04.2021 and conduct the enquiry based



on the representation and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the petitioner being a farmer by profession, makes his living out of the agricultural income generated out of his agricultural land. His father by name Poongavanam Gounder S/o Ponna Gounder owns agricultural lands at Vizthupattu Village, Vandavasi Taluk, Thiruvannamalai District in Nanjai Survey No.10/7A measuring about 59 cents, Nanjai Survey No.11/1 measuring about 14 cents, Punjai Survey No. 121/1B1 measuring about 96 cents, Punjai Survey No. 121/1E measuring about 157 cents, Punjai Survey No. 121/1G measuring about 49 cents, Punjai Survey No.30, measuring about 56 cents, Nanjai Survey No.6/4, measuring about 24 cents, Nanjai Survey No.6/5 measuring about 24 cents, Nanjai Survey No.8/2B, measuring about 35 cents with total extent of 5 Acres 14 Cents with a Patta in No.130 stands in the name of the petitioner's father namely, Poongavanam Gounder. During his lifetime a Settlement Deed was executed jointly in favour of the petitioner and his brother namely Selvam for the entire extent of the properties as mentioned above. The same was registered in Doc.No.1144/2011 dated 22.03.2011 on the file of the S.R.O, Vandavasi who is the 2nd Respondent herein. After demise of the father of the petitioner in the year 2013, both the petitioner and his brother are jointly in possession of the entire extent of the properties and cultivating the land. While being so, the petitioner and his brother have decided to divide the properties among them. Accordingly, a land in Survey No. 121/1E measuring about 1 Acres 57 Cents was proposed to convey in favour of the petitioner. On 28.09.2020, they approached the 2nd respondent office to register the Partition Deed but the 2nd respondent has refused to register the full extent of the land in survey no.121/1E as per patta. When questioned the 2nd respondent about his refusal, the 2nd respondent very strangely answered that there is an objection given by the 3rd respondent that he is the owner of 28 cents of land in survey no 121/1E by virtue of an Partition Deed in Doc.No.5884 of 2008 dated 15.10.2008 registered in S.R.O, Vandavasi executed between 3rd and 4th respondents. Even though the petitioner has produced the Patta for the entire extent of 1 Acres 57 Cents stands in favour of his father, but the 2nd respondent has vehemently refused to register the entire extent of land of 1 Acres 57 cents. Hence, the petitioner is left with no other option, he was constrained to execute a Partition Deed in Document No. 2822 of 2020 dated 28.09.2020 registered in S.R.O, Vandavasi in favour of the petitioner for survey No. 121/1E for an extent of 1 Acre 29 cents (in A Schedule Serial No.9).

3. It has been further submitted that till date the patta in No.464 and other revenue documents for the survey No.121/1E for the extent of 1 Acres 57 Cents stands in the name of the



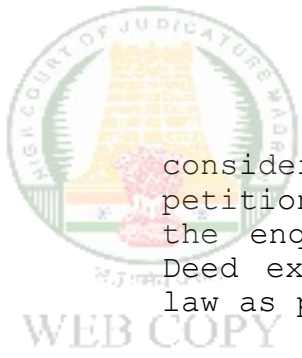
petitioner. Whereas the 3rd respondent by virtue of the Partition Deed in Document No.5884 of 2008 claiming about 28 cents in Survey No.121/1E neither has any title documents nor revenue documents stands in his name or his father. The 3rd and 4th respondents illegally registered the above partition deed without any documents in support of the title or claim for the survey No.121/1E to the extent of 28 cents in the aforesaid property. The father of the petitioner who inherited the property in Survey no 121/1E from his ancestor and cultivating the entire land for the time immemorial. The father of the petitioner was having all revenue documents in his favour and also the possession for the entire extent of 1 Acres 57 cents.

4.The learned counsel for the petitioner further submitted that due to financial problem, the petitioner had to sell few of his properties which includes land in Survey no.121/1E measuring about 1 Acres 29 cents to one Prabhakaran by a registered sale deed in document no.3367/2020 dated 29.10.2020 registered in S.R.O, Vandavasi. In order to cancel the illegal claim of 28 cents mentioned in the Partition Deed in Document No.5884 of 2008 executed between 3 and 4 respondents in favour of 3rd respondent for the survey No.121/1E, the petitioner has sent a detailed representation along with documentary proof to the 1st respondent herein on 08.04.2021 and the same has been received by the 1st respondent herein. However, they did not consider his representation nor pass any order on it. As there is no action from them on the representation filed by the petitioner herein, he is left with no other alternative and efficacious remedy except to approach this Court by invoking its jurisdiction under Article 226 of Constitution of India seeking for Writ of Mandamus directing the 1st respondent to consider his representation dated 08.04.2021 and conduct the enquiry based on his representation. Hence, this Writ petition.

5. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the respondents 1 and 2 may be directed to consider the representation dated 08.04.2021 and conduct the enquiry with regard to the Settlement Deed executed in favour of the 3rd respondent herein while the title of the documents are in the name of the petitioner and his brother.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2 as well as perused the material available on records.

7. Having considered the aforesaid facts and circumstances of the case and submissions made by the learned counsel on either side, this Court without expressing any opinion with regard to the merits of the case, directs the 1st respondent to



consider the representation dated 08.04.2021 filed by the petitioner herein and pass appropriate orders after conducting the enquiry with regard to the Partition deed and Settlement Deed executed among the respondents 3 to 5 in accordance with law as per seniority.

8. With the aforesaid directions, this Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Registrar,
District Registration Office,
Thiruvannamalai District.
2. The Sub-Registrar,
Vanthavasi Sub-Registrar Office,
Thiruvannamalai District.

+1cc to the Government Pleader, High Court, Madras. S.R.No.44238

+1cc to Mr.C.S.Anu Varghese, Advocate, S.R.No.43620

W.P. No.18117 of 2021

PPA (CO)
RGA (25/10/2021)