



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.20506 of 2021

K.Suresh

...Petitioner

Vs.

1. The District Collector,
Kallakurichi,
District Collectorate,
Kallakurichi District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thirukovilur Taluk,
Kallakurichi District.
3. The Revenue Tahsildar,
Tahsildar Office,
Ulundurpet Taluk,
Kallakurichi District.

4.K.Jayakumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 07.12.2020 and consequently, direct the second respondent to cancel the patta issued by the third respondent in the name of the fourth respondent in respect of property in Survey No.280/3 measuring 0.73 Cents, Survey No.276/4 measuring 0.34 cents Kalamarudhur Village, Ulundurpet Sub-Registration District, Vridhachalam Registration District.

For Petitioner : Mr.M.Manimaran

For RR 1 to 3 : Mr.Yogesh Kannadasan (R1 to R3)
Government Advocate



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, direction to the respondents 1 to 3 to consider the petitioner's representation dated 07.12.2020 and consequently, direct the second respondent to cancel the patta issued by the third respondent in the name of the fourth respondent in respect of the property in Survey No.280/3 measuring 0.73 Cents, Survey No.276/4 measuring 0.34 cents Kalamarudhur Village, Ulundurpet Sub-Registration District, Vridhachalam Registration District.

2. The case of the petitioner is that his mother named Kuppayee alias Kuppu alias Kuppayee Ammal, was purchased a property in S.No.280/3 in Kalamarudhur Village, measuring to an extent of 0.73 Cents, S.No.276/4 measuring to an extent of 0.34 Cents on 23.02.1990 registered by way of Sale Deed Document No.235 of 1990 on the file of Sub Registrar Office, Ulundurpet from one Jayaram Pillai, Son of Pavadai Pillai who belonged to Kalamarudhu Village and ever since then his mother was in possession and enjoyment of the above mentioned property to the petitioner, represented by his father Kattaiyan by way of registered settlement deed in Doc.No.152 of 2004. On 06.02.2004, when he was a minor, his mother settled the above mentioned property to him, represented by his father Kattaiyan by way of registered settlement deed in Doc.No.152 of 2004, dated 06.02.2004 on the file of Sub-Registrar Office, Ulundurpet in his favour. While so, one Mr.Jayakumar, the fourth respondent herein who is no way connected to the above mentioned property, he had got a Sale Deed registered in Document No.30 of 2006, dated 05.01.2006 on the file of Sub Registrar Office, Ulundurpet, for the above mentioned property from one Kuppayee Ammal by impersonating and taking advantage of the similarity in the name of the petitioner's mother Kuppayee had fraudulently fabricated the above sale deed. After the execution of sale deed dated 05.01.2006, the fourth respondent had filed a suit in O.S.No.82 of 2006 before the learned Principal District Munsif, Ulundurpet, for declaration and injunction on the ground that the property belonged to Kuppayi Ammal and that she had conveyed the property to him on 05.01.2006. Since the petitioner was a minor then, his father defended the aforesaid suit. During the pendency of the above suit, the petitioner's father died and his mother was not aware of the above said suit. Hence, they were set exparte and the suit is decreed in the favour of the fourth respondent. Thereafter, the petitioner and his mother came to know about the said suit, they preferred an appeal in A.S.No.92 of 2011 before the learned Principal Sub Judge, Villupuram and the case was transferred on 20.06.2017 to the file of newly constituted Sub Court at Ulundurpet as per the order of the learned Principal District Judge, Villupuram in A.S.No.318 of



2013, dated 05.06.2017 and the same was renumbered as A.S.No.8 of 2019 and subsequently, it is posted for next hearing on 30.09.2021. During the pendency of the above said appeal, the 4th respondent obtained a Patta No.1762 in his favour, based on the Sale Deed Document No.30 of 2006 and the said act of the 4th respondent is illegal and against the procedures. According to K3/27160/2018 dated 13.03.2018, the Revenue Authorities should not get involve in activities such as Patta name transfer etc., and hence, the Patta obtained by the 4th respondent during the pendency of the above said appeal is not valid. Therefore, the petitioner made a representation dated 07.12.2020 before the respondents 1 to 3 to take action and cancel the patta issued in favour of the fourth respondent based on the sale deed vide Doc.No.30 of 2006 dated 05.01.2006 and the same was acknowledged by the respondents on 15.12.2020, till date, no action has been taken by the respondents. Hence, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, this writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 07.12.2020 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 to 3 to consider the petitioner's representation dated 07.12.2020 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and the respondents within a period of twelve weeks from the date of receipt of a copy of this order. Further, during enquiry, the petitioner is directed to produce all the relevant documents to prove his title. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba/msm



To

1. The District Collector,
Kallakurichi,
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2. The Revenue Divisional Officer,
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Kallakurichi District.

3. The Revenue Tahsildar,
Tahsildar Office,
Ulundurpet Taluk,
Kallakurichi District.

+1CC to Mr.M.Manimaran, Advocate, Sr.No.49363

+1CC to Mr.Government Pleader, Sr.No.50087

W.P.No.20506 of 2021

RLD (CO)

K.RK. (26.10.2021)