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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.25673 OF 2021

P.V.Muniappan

... Petitioner

.Vs

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The District Registrar,
Dharmapuri District.
3. The Sub Registrar,
Office of the Sub-Registrar,
Dharmapuri - 1.
4. The Revenue Divisional Officer,
Collectorate,
Dharmapuri District.
5. Kandan
6. Kuppan
7. Raja Manickam
8. Shanthi
9. K.Raja

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to take suitable action to cancel the fraudulent documents based on the petitioner's representation dated 25.08.2021 which has been forwarded by the 4th respondent to the 2nd respondent by virtue of the circular issued by the 1st respondent within the time frame fixed by this Court.



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For Petitioner : Mr.S.Arokiamaniraj
For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader
For R4 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the 2nd respondent to take suitable action to cancel the fraudulent documents based on the petitioner's representation dated 25.08.2021 which has been forwarded by the 4th respondent to the 2nd respondent by virtue of the circular issued by the 1st respondent within the time frame fixed by this Court.

2. Heard, Mr.S. Arokiamaniraj, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.A.M.Ayyadurai, learned Government Advocate appearing for the 4th respondent.

3. The case of the petitioner is that the dry land, comprised in Survey Nos.310/1B and 310/1H to an extent of 074.0 hectare and 0.22.00 ares situated in Pollanahalli Revenue Village, Nallampalli Taluk, Dharmapuri District, was originally assigned in favour of grandfather of the petitioner, who belonged to poor Schedule Caste Community. After his demise, his father was in possession and enjoyment of the same till his demise. The Patta Pass Book, issued by the Tahsildar, Nallampalli, shows that the Patta No.456 in Survey No.310/1B owned by his father. While being so, the fifth and sixth respondents, who belong to upper class community had fraudulently transferred the subject property by playing fraud on the petitioner's father by way of registering the subject land by sub-dividing as 90 cents each. During the time of UDR Scheme, the 9th respondent fraudulently transferred the conditional assigned land comprised in Survey No.310/1H to an extent of 0.24 ares illegally in favour of third party. If conditions are violated by virtue of Standing Orders under Section 15(41)4(iii), the fourth respondent has a power to cancel the assignment and restore the land. The petitioner submitted a representation on 25.08.2021 as against the fraudulent transaction in respect of the property comprised in survey No.310/1B to an extent of 0.74 ares, before the respondents 2 to 4.



4. Considering the above, the second respondent is directed to conduct enquiry, after issuance of notice to the petitioner and the respondents 5 to 9, after giving them an opportunity of hearing shall pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The District Registrar,
Dharmapuri District.
3. The Sub Registrar,
Office of the Sub-Registrar,
Dharmapuri - 1.
4. The Revenue Divisional Officer,
Collectorate,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.63810

W.P.NO.25673 OF 2021

SRA(CO)
PBS/21/01/2022