



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NOS.10739 & 19110 OF 2017

N.Velayutham

... Petitioner
in both W.Ps.

-Vs-

1. The Tahsildar
Chinnasalem Taluk,
Villupuram District.
2. The Village Administrative Officer
Vadakkanandal West Village,
Chinnasalem Taluk,
Villupuram District.
3. Thangavel
4. The District Revenue Officer,
District Collector Office,
Villupuram,
Villupuram District.
(R4 impleaded vide Court
Order dated 05.03.2018 made
in W.M.P.No.16940 of 2017
in W.P.No.10739 of 2017)

... Respondents in
W.P.No.10739/2017

1. The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
2. The District Registrar,
Kallakurichi,
Villupuram District.
3. The Sub Registrar,
Vadakkanandal,
Chinnasalem Taluk,
Villupuram District.



4. Thangavel
5. Sampath
6. Lakshmi
7. Parameswari.
8. Vasuki
9. Ganapathy

(R9 impleaded vide Court
Order dated 05.03.2018 made
in W.M.P.No.24666 of 2017
in W.P.No.19110 of 2017)

... Respondents in
W.P.No.19110/2017

Prayer in W.P.No.10739 of 2017 :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to implement the District Revenue Officer, Villupuram, Order dated 28.02.2017 in Ref.No.Se.Mu.Order No. A3/8878/2015 to carry out the corrections, consider the petitioner representation dated 21.03.2017 to delete the third respondent name in the patta in the agricultural lands comprised in survey No.176/5A, 176/5C, Vadakkanandal West Village, Chinnasalem Taluk, Villupuram District.

Prayer in W.P.No.19110 of 2017 :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 21.03.2017 in the light of the circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 for cancellation of fraudulent transfer made in Document No.727/2016 in Survey No.176/5A, 176/5C, Vadakkanandal West Village on the file of the third respondent Sub Registrar Office, Chinnasalem Taluk, Villupuram District within the stipulated time may be fixed by this Court.

For Petitioner
in both WPs : Mr.V.R.Kamalanathan

For Respondents

For R1 & R2 & R4
in W.P.No.10739 of 2017

&

For R1 to R3 in W.P.No.
19110 of 2017 : Mr.M.R.Gokul Krishnan
Government Advocate

For R4 to R8 in W.P.No.
19110 of 2017 :No appearance



WEB COPY

For R3

:No appearance in
W.P.No.10739/2017

For R9

:Not ready in notice in
W.P.No.19110/2017

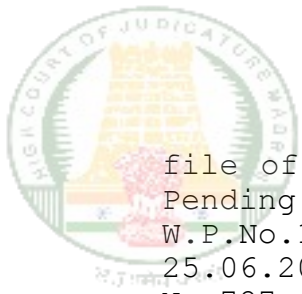
COMMON ORDER

The Writ Petition in W.P.No.10739 of 2017 has been filed to direct the first respondent to implement the District Revenue Officer, Villupuram, Order dated 28.02.2017 in Ref.No.Se.Mu.Order No. A3/8878/2015 to carry out the corrections, consider the petitioner representation dated 21.03.2017 to delete the third respondent name in the patta in the agricultural lands comprised in survey No.176/5A, 176/5C, Vadakkanandal West Village, Chinnasalem Taluk, Villupuram District and the Writ Petition in W.P.No.19110 of 2017 has been filed to direct the second respondent to consider the petitioner's representation dated 21.03.2017 in the light of the circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 for cancellation of fraudulent transfer made in Document No.727/2016 in Survey No.176/5A, 176/5C, Vadakkanandal West Village on the file of the third respondent Sub Registrar Office, Chinnasalem Taluk, Villupuram District within the stipulated time may be fixed by this Court.

2. Heard Mr.V.R.Kamalanatha, learned counsel appearing for the petitioner in both Writ Petitions and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1, 2 & 4 in W.P.No.10739 of 2017 and for the respondents 1 to 3 in W.P.No.19110 of 2017. No one is appeared on behalf of the respondents 4 to 9 in W.P.No.19110 of 2017.

3. The case of the petitioner is that his father owned property to an extent of 48 cents comprised in survey No.176/5A, 176/5C situated at Vadakkanandal West Village, Chinnasalem Taluk, Villupuram District. Originally it was belonged to one P.Kuppa Pillai and the petitioner's father purchased the same in the year 1970. From the date of his purchase, he was in possession and enjoyment of the same. However, it was wrongly entered in the name of the third respondent in W.P.No.10739 of 2017, during UDR by the revenue authorities. Therefore, the petitioner's father approached the revenue authorities and after the direction issued by this Court, the revenue authorities conducted the enquiry.

4. While the enquiry was pending, the third respondent in W.P.No.10739 of 2017 filed suit in O.S.No.368 of 2015 on the



file of the District Munsif Court, Kallakurichi for declaration. Pending enquiry as well as the suit, the third respondent in W.P.No.10739 of 2017 registered a partition deed dated 25.06.2016, in favour of his family members, vide document No.727 of 2016, in respect of the very same property viz., the land in survey Nos. 176/5A, 176/5C Vadakkanandal West Village, Chinnasalem Taluk, Villupuram District. In the mean while, the father of the petitioner died and the fourth respondent in W.P.No.10739 of 2017 passed order on 28.02.2017 and observed that both parties viz., the petitioner and the third respondent in W.P.No.10739 of 2017 are not entitled to get patta and directed to approach them to appropriate Court for proper remedy and also directed the first respondent in W.P.No.10739 of 2017 viz., the Tahsildar, Chinnasalem, to carryout necessary correction in the revenue records.

5. Accordingly, the petitioner made representation to carry out the correction and to delete the name of the third respondent in W.P.No.10739 of 2017, since the third respondent in pursuant to the patta, he also executed partition deed dated 25.06.2016 registered vide document No.727 of 2016. Since the same was not considered by the revenue authorities, the petitioner has filed these two Writ Petitions for directions to direct the first respondent to implement the order passed by the fourth respondent in W.P.No.10739 of 2017 and another Writ Petition for direction to direct the District Registrar, Kallakurichi to consider his representation dated 21.03.2017 for cancellation of fraudulent partition deed registered vide document No.727 of 2016 dated 25.06.2016.

6. Considering the above facts and circumstances of the case, the first respondent in W.P.No.10739 of 2017 is directed to implead the order passed by the fourth respondent dated 28.02.2017 and to restore the patta into the original owner Kuppa Pillai and to delete the name of the third respondent in W.P.No.10739 of 2017, within a period of two weeks from the date of the receipt of a copy of this Order.

7. Further the second respondent in W.P.No.11910 of 2017 is directed to consider the representation of the petitioner dated 21.03.2017, seeking cancellation of document registered as Document No.727/2016 on the file of the third respondent, after issuance of notice to the respondents 4 to 9 in W.P.No.11910 of 2017 and after giving opportunity of hearing to both the parties, pass order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this Order.



WEB COPY

8. With the above directions, both the Writ petitions are disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Tahsildar
Chinnasalem Taluk,
Villupuram District.
2. The Village Administrative Officer
Vadakkanandal West Village,
Chinnasalem Taluk,
Villupuram District.
3. The District Revenue Officer,
District Collector Office,
Villupuram,
Villupuram District.
4. The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
5. The District Registrar,
Kallakurichi,
Villupuram District.
6. The Sub Registrar,
Vadakkanandal,
Chinnasalem Taluk,
Villupuram District.

+2ccs to Mr.V.R.Kamalanathan, Advocate, S.R.No.57041,57042
+1cc to the Government Pleader, S.R.No.57645

W.P. Nos.10739 & 19110 of 2017

SU(CO)
PM/18/11/2021