



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15945 of 2021

and

W.M.P(MD) No.12880 of 2021

WEB COPY

Asaithambi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

2.Velan

3.Chinnappa

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to give reasonable opportunity by permitting the petitioner to lead evidence and documents and thereafter to decide the application made by the second respondent in Na.Ka.No.A6/3979/2020 pending on the file of the first respondent.

For Petitioner : Mr.G.Sivaraja
For 1st Respondent : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction to the first respondent to provide him a reasonable opportunity to participate in the proceedings initiated by the second respondent before the first respondent.

2.The petitioner states that he purchased the property bearing survey Nos.2-2A, 2-8D, 2-9D and 7-2 at Kulavaipatti Village, Alankudi Sub Registrar Office, Pudukkottai from the third respondent. It is stated that such purchase was by a registered sale deed bearing document No.1888 of 2020 dated 27.07.2020.

3.The petitioner further states that the second respondent has initiated proceedings before the first respondent for the cancellation of a settlement deed executed in favour of the third respondent, who is the petitioner's vendor. In spite of submitting a representation dated 23.08.2021 to the first respondent in this regard, it is stated that the petitioner has not been permitted to participate in the proceedings before the first respondent. The present Writ Petition is filed in these facts and circumstances.



4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the first respondent.

5.The petitioner has filed a copy of the sale deed dated 27.07.2020. The said sale deed has been executed by the third respondent in favour of the petitioner. The description of property matches the description of property in the gift deed dated 06.06.2020. As such, it appears *prima facie* that the petitioner has purchased the property from the third respondent. As the present owner of the property, the petitioner would clearly be affected if the gift deed executed by the second respondent in favour of the third respondent is cancelled. Therefore, the petitioner appears to be a necessary party to the proceedings, and such proceedings would be vulnerable to challenge unless he is heard.

6.Accordingly, without going into the merits of the matter, the first respondent is directed to join the petitioner as a party to the proceeding and provide a reasonable opportunity to the petitioner and the other parties to the dispute before arriving at a decision thereon. In view of the fact that the merits of the matter have not been gone into, the Writ Petition is disposed of without notice to respondents 2 and 3.

7.W.P.(MD)No.15945 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD) No.12880 of 2021 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.

+1 CC to M/s.GP (SR-28708[F] dated 09/09/2021)

W.P (MD)No.15945 of 2021

07.09.2021

RD(16.09.2021) 2P 3C