



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.590 of 2022
and W.M.P.No.646 of 2022

Sivakumar

... Petitioner

-Vs-

1.The Sub-Registrar, Joint-I,
Villupuram.

2.The Tahsildar,
O/o. the Tahsildar,
Villupuram Taluk,
Villupuram.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records relating to the impugned order of return dated 07.12.2021 passed by the first respondent, and to quash the same and consequently direct the first respondent to register the settlement deed dated 10.08.2021 in respect of the property and building comprised in Survey No.69/24, measuring an extent of 106 sq.mt.(1140 sq.ft.) in Patta No.548, situate at Poiyyapakkam village, Villupuram Taluk and District.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.Yogesh Kannadasan
Special Government Pleader

For R2 : Mr.S.Rajesh
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for records relating to the impugned order of return dated 07.12.2021 passed by the first respondent, and to quash the same and consequently direct the first respondent to register the settlement deed dated 10.08.2021 in respect of the property and building comprised in Survey No.69/24, measuring an extent of 106 sq.mt.(1140 sq.ft.) in Patta No.548, situate at Poiyyapakkam village, Villupuram Taluk and District.



2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the first respondent and Mr.S.Rajesh, learned Government Advocate appearing for the second respondent.

3. The properties comprised in Survey Nos.69 and 69/24, to an extent of 106 sq.mt, situated at Poiyyappakkam Village, Villupuram District is jointly enjoyed by the petitioner and his family members. Thereafter, the petitioner's father and brother had executed a sale deed in favour of the petitioner in respect of their share by the registered sale deed, dated 14.06.2006, registered vide Document No.1129 of 2006. Accordingly, the petitioner was issued patta by the second respondent. Thereafter, the petitioner had intended to settle the property in favour of his wife.

4. However, the first respondent sent a communication dated 22.06.2021 to the second respondent, seeking information about any objections in respect of the subject property and with regard to the genuineness of the patta issued in favour of the petitioner. After enquiry and on receipt of the report from the second respondent, dated 09.08.2021, the first respondent concluded that the Patta No.548 in respect of the subject property issued in favour of the petitioner is the genuine one. Thereafter, the petitioner had executed a settlement deed in favour of his wife and presented for registration on 10.08.2021 before the first respondent.

5. However, the first respondent without registering the settlement deed and had sent another communication to the second respondent, since the petitioner's father filed a petition to cancel the patta and it is pending on the file of the second respondent. Till the completion of enquiry, the first respondent could not be able to register the settlement deed presented for registration by the petitioner.

6. Therefore, the first respondent had rightly returned the settlement deed which was presented for registration by the petitioner and this Court finds no infirmity or illegality in the order passed by the first respondent. The writ petition is devoid of merits and is liable to be dismissed.

7. However, the second respondent is directed to complete the enquiry with regard to the cancellation of patta submitted by the petitioner's father and send a report to the first respondent, after giving an opportunity of hearing to the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. On receipt of the report from the second respondent, the first respondent is directed to act in accordance with the report submitted by the second respondent.



8. In view of the above, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub-Registrar, Joint-I,
Villupuram.

2.The Tahsildar,
O/o. the Tahsildar,
Villupuram Taluk,
Villupuram.

+1cc to Mr.C.Prabakaran, Advocate SR. No.3276

+1cc to Government Pleader SR. No.3982, 3997

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KSM (CO)
PR (10/02/2022)