



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.24173 of 2012 and 815 of 2013

N.Arjunan

... Petitioner in both petitions

Vs.

1. The Executive officer,
Perundurai Town Panchayat,
Perundurai, Erode District.

2. N.Sridhar

3. The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

(R3 implied as per order dated 03.10.2012 in M.P.No.3/2012)

4. M/s.Sai Varsha Structures,
rep.by its Managing Partner,
Mogapaire East, Chennai.

(R4 implied as per order dated 18.12.12 in M.P.No.5/2012)

... Respondents in W.P.No.24173 of 2012

1. The District Collector,
Erode District,
Erode 638 011.

2. The Revenue Divisional Officer,
Erode 638 001, Erode District.

3. The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

4. The District Registrar,
Office of the District Registrar,
Karungalpalayam, Erode 1.

5. The Executive Officer,
Perundurai Town Panchayat,
Perundurai 638 052,
Erode District.

...Respondents in W.P.No.815/2013



PRAYER in W.P.No.24173/2012: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to the impugned tender notice dated 11.8.2012 made in Na.Ka.No.250/2012/A1 issued by the 1st respondent quash the same and consequently direct the respondents from in any way interfering with the petitioners peaceful possession and enjoyment of the property measuring an extent of 1 acre (0.52.0 hectare) comprised in S.F.No.865/2 (Old S.F.No.128B), Perundurai Village, Erode District, by considering the representation dt 13.7.2012 29.8.2012.

PRAYER in W.P.No.815/2013: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders in Na. Ka. No. 65550/ 2005/ U4 dated 6.7.2012 and the consequential order in Na. Ka. No. 30205/ 2012/ U4 dated 20.9.2012 passed by the 1st respondent quash the same and consequently direct the respondents 1 and 2 to effect mutation of records in the name of the petitioner in respect of the lands measuring an extent of 1.00 acre comprised in S.F.No.865/2 (Old S.F.No.128B), Perundurai Village, Erode District.

For Petitioner in both petitions : Mr.N.Manokaran
For RR1 & RR3 in W.P.No.24173/2012

&

For Respondents in W.P.No.815/2013

: Mr.Yogesh Kannadasan
Special Government Pleader

Common Order

The petitioner has filed these petitions for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned tender notice dated 11.8.2012 and other impugned orders dated 6.7.2012 and dated 20.9.2012 passed by the 1st respondent.

2. The case of the petitioner is that the petitioner has purchased an extent of 0.52.0 hrs., (Acre 1.00) comprised in old S.F.No.128 B corresponding to R.S.No.865/2, Perundurai Village, Erode District and he was in actual physical possession and enjoyment of the property, which has been classified as 'ryotwari punjai' in the 'A' register. It is the grievance of the petitioner that in order to grab the above property, some individuals in collusion with the revenue authorities, have conveniently influenced the District Registrar, Registration Department, Erode, to cancel the Sale Deed dated 14.07.2006 and even though the District Registrar has no authority, he has passed an order dated 12.06.2012, cancelling the Sale Deed dated 14.07.2006 and challenging the



same, the petitioner has preferred an appeal dated 24.07.2012, before the Inspector General of Registration, 100, Santhome High Road, Chennai. When the appeal is pending, the 1st respondent herein has issued the impugned Tender Notice dated 11.08.2012, inviting tenders from the eligible contractors for construction of new panchayat office. Challenging the said impugned tender notification, the petitioner has filed W.P.No.24173/2013. Further after the cancellation of the petitioner's Sale Deed, the 1st respondent has passed an order dated 06.07.2012, cancelling the patta in the name of Manamagil Mandaram and ordered to resume the possession, and consequently, the 1st respondent has passed an order dated 20.09.2012, by granting permission to enter upon possession to the 5th respondent. Challenging the orders dated 06.07.2012 and 20.09.2012, the petition in W.P.No.815 of 2013 has been filed.

3. The learned counsel appearing for the petitioner submitted that the issue arises in the present round of litigation involves disputed question of facts and the very same dispute is pending in O.S.No.208/2012, before the District Court, Erode and hence, this Court may permit the petitioner to canvass all the issues before the Civil Court in the pending Suit and prays for appropriate orders in that regard.

4. The Special Government Pleader appearing for the official respondents has no serious objections for the said order being passed.

5. Considering the fair submission made by the learned counsel appearing for the petitioner, this Court without rendering any opinion on the merits of the case, as it would adversely affect the rights of the parties before the Civil Court, permits the petitioner to canvass all the issues in O.S.No.208/2012, before the District Court, Erode, and the Trial Court, without being influenced by any of the observation made in the impugned order, is directed to decide the matter independently.

6. This Writ Petition is disposed of with the above terms. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Court,
Erode.

2. The Executive officer,
Perundurai Town Panchayat,
Perundurai, Erode District.

3. The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

4. The District Collector,
Erode District,
Erode 638 011.

5. The Revenue Divisional Officer,
Erode 638 001, Erode District.

6. The District Registrar,
Office of the District Registrar,
Karungalpalayam, Erode 1.

7. The Executive Officer,
Perundurai Town Panchayat,
Perundurai 638 052,
Erode District.

+1cc to Government Pleader SR. Nos. 35356, 35355

+2ccs to Mr.N.Manokaran, Advocate SR. Nos. 34741, 34740

W.P.Nos.24173 of 2012 and 815 of 2013

SKM (CO)

PR (01/07/2022)