



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.14794 of 2022

Dhanavel Pillai

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.

2. The Tahsildar,
Tittagudi Taluk,
Cuddalore District.

3. The Inspector of Police,
Anti-Land Grabbing Cell,
Cuddalore District.

4. Ramasamy

5. Rajagopal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondents to conduct survey and field inspection in respect of Survey No.289/33-A situated at Perumulai Village, Tittagudi Taluk, Cuddalore District based on the letter dated 10.03.2022 issued by the first respondent in NA.KA.A4/890/2022 and to issue the genuineness certificate relating to Patta No.211 in respect of this land within a stipulated time.

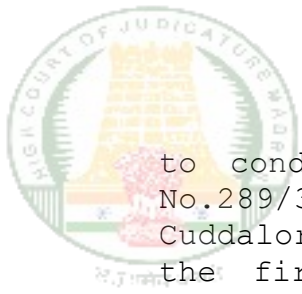
For Petitioner : M/S.S.N.Arunkumar

For Respondents: Mr.R.P.Murugan Raja

Government Advocate

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus to direct the first and second respondents



to conduct survey and field inspection in respect of Survey No.289/33-A situated at Perumulai Village, Tittagudi Taluk, Cuddalore District based on the letter dated 10.03.2022 issued by the first respondent in NA.KA.A4/890/2022 and to issue the genuineness certificate relating to Patta No.211 in respect of this land within a stipulated time.

2. The case of the petitioners is that he is the owner of the aforesaid property, having purchased the same under registered sale deed, dated 18.02.2010, vide Document No.143/2010, on the file of Sub Registrar Office, Tittagudi. However, without the knowledge of the petitioner, the fourth respondent has fabricated documents with the connivance of the Revenue Officer and sold the aforesaid property to the fifth respondent on 11.02.2019, vide Document No.141/2019 to an extent of 1031.1/2 sq.ft of house site. Therefore, the petitioner made a detailed complaint before the District Registrar, Virudhachalam, Cuddalore District, requesting to cancel the sale deed and take criminal action against the fourth and fifth respondents by invoking powers under Sections 81 to 83 of the Registration Act. Further, the Deputy Inspector General of Registration had passed an order dated 16.12.2020, and concluded that as per the Patta issued by the Revenue Authority and circular issued by the Inspector General of Registration, once the document was registered, the same can be cancelled only by the Civil Court based on judgment of Sathya Pal Anand case, and there is no power vested to the Registrar to cancel the registered document. While so, on 10.03.2022, the first respondent/Revenue Divisional Officer issued a letter to the petitioner and the private respondents that the enquiry would be conducted on 15.03.2022 with regard to conduct survey and field inspection in respect of the aforesaid property. However till date, no order has been passed. Hence, the petitioner has filed the present Writ Petition.

3. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the first and second respondents to conduct survey and field inspection in respect of the aforesaid property based on the letter dated 10.03.2022 issued by the first respondent and pass orders on the same within a particular time frame that may be fixed by this Court.



5. The learned Government Advocate appearing for the respondents has no objection for the said order being passed.

6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to conduct survey and field inspection in respect of the aforesaid property based on the letter dated 10.03.2022 issued by the first respondent and pass appropriate 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, after providing an opportunity of hearing to the petitioner and other aggrieved persons, if any.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.

2. The Tahsildar,
Tittagudi Taluk,
Cuddalore District.

3. The Inspector of Police,
Anti-Land Grabbing Cell,
Cuddalore District.

+lcc to Mr.S.N.Arunkumar, Advocate SR.No.36287
+lcc to the Government Pleader SR.No.36459

W.P. No.14794 of 2022

SSD(CO)
CB(06/07/2022)