



W.P.No.43569 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.43569 of 2016

and

W.M.P.No.37397 of 2016

Balamurugan

. . . Petitioner

Vs.

1. The State represented by its
Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai-600 004.

2. The Sub-Registrar,
Tambaram,
Chennai-600 045.

3. The Tahsildar,
Taluk Office,
Tambaram Taluk,
Tambaram,
Chennai-600 045.

4. S.Shakina

. . . Respondents



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PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 & 2 to cancel the sale deed dated 14.10.2008 and registered as Document No.8452/2008 in favour of 4th respondent and consequently direct the 3rd respondent to cancel the patta bearing No.2780 issued in favour of the 4th respondent (Ms.Shakina) bearing survey No.100/3 and 155/3 (Old Survey No.100/1 & 155).

For Petitioners : M/s.S.Udayakumar

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader for R1 & R2

: M/s.T.K.Saravanan,
Government Advocate for R3

ORDER

The present petition has been filed seeking to direct the respondents 1 & 2 to cancel the sale deed dated 14.10.2008 which was registered in favour of the 4th respondent and direct the 3rd respondent to cancel the patta bearing No.2780 issued in favour of the 4th respondent in respect of the property in survey No.100/3 and 155/3 (Old Survey No.100/1 & 155).

2. It is the case of the petitioner that originally the subject property was



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allotted in favour of the petitioner's father namely Thiagarajan vide the registered sale deed dated 16.09.1994 and he was in absolute possession and enjoyment of the same. While being so, the 4th respondent having impersonated said Thiagarajan, had obtained a sale deed dated 14.10.2008 in her favour from the 2nd respondent/Sub-Registrar, which resulted in petitioner, filing a suit in O.S.No.473 of 2009 on the file of the Sub-Court Tambaram seeking declaration of the forged sale deed of the 4th respondent, in which the ex-parte decree came to be passed against the 4th respondent declaring the forged sale deed of the 4th respondent. Thereafter the aforesaid property was settled in favour of the petitioner by his father vide the settlement deed dated 10.12.2009. Based on the aforesaid decree, the petitioner made a representation to respondents 1 & 2 seeking to cancel the forged sale deed of the 4th respondent, however, the same was refused by the 2nd respondent. Further, the petitioner made a representation to the 3rd respondent to cancel the Patta which was granted in favour of the 4th respondent, however, till date, the same has not been considered. Hence, the petitioner has come up with the present petition.

3. Though very many grounds have been raised, learned counsel for the



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petitioner submits that it would suffice if this Court issues a direction to the 3rd respondent/Tahsildar to consider the petitioner's representation seeking to cancel the patta which was granted in the favour of the 4th respondent in the light of the decree passed by the trial court in O.S.No.473 of 2022 on 06.05.2009.

4. On the above contentions, this Court heard the learned counsel appearing for the respondents. Since no adverse order passed against the 4th respondent, presence is dispensed with.

5. In view of the limited relief sought for by learned counsel for the petitioner, this Court, without going into the merits of the case, directs the 3rd respondent/Tahsildar to consider the representation made by the petitioner seeking cancellation of patta which was granted in favour of the 4th respondent, in terms of the decree which was passed by the trial court in O.S.No.473 of 2009 and pass appropriate orders on the same after affording an opportunity of personal hearing to the petitioner as well as the 4th respondent, within a period of Six weeks from the date of receipt of a copy of



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this order if there is no legal impediment.

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6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

26.09.2022

NHS

Index : Yes / No

Internet : Yes / No

To

1. The State represented by its
Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai-600 004.
2. The Sub-Registrar,
Tambaram,
Chennai-600 045.
3. The Tahsildar,
Taluk Office,
Tambaram Taluk,
Tambaram,
Chennai-600 045.

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