

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31997 of 2014

W.Sathyanathan

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The Tahsildhar,
Poonamallee Taluk,
Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to pass appropriate order by canceling the entry of patta bearing No.460 in respect of petitioner holding and possession of the land in Survey No.114/1 and as per patta No.39, Survey No.212/5 of Tiruverkadu Village, Poonamallee Taluk, Tiruvallur District by disposing petitioner representation dated 29.07.2013.

For Petitioner : Ms.G.Sumitra

For Respondents: Mr.A.Anandan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pass appropriate order by canceling the entry of patta bearing No.460 in respect of petitioner holding and possession of the land in Survey No.114/1 and as per patta No.39, Survey No.212/5 of Tiruverkadu Village, Poonamallee Taluk, Tiruvallur District by disposing the petitioner's representation dated 29.07.2013.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he mortgaged the property to one Dayaram and obtained loan of Rs.1,50,000/- during the year 2003. During the year 2007, he repaid the entire loan amount and asked the said Dayaram to cancel the mortgage deed and only

thereafter the petitioner came to know that instead of mortgage deed, the said Dayaram had executed sale deed and registered the same as Document No.3547/2003 on the file of Sub-Registrar, Kundrathur.

3.The further case of the petitioner is that the said Dayaram had executed two sale deeds dated 13.02.2013 through his power of attorney in favour of one Kumar and his wife Satheeswari and on the basis of the sale deeds, they obtained patta in their favour. On coming to know about the same, the petitioner made representation to the respondents seeking to cancel the patta granted in favour of Kumar and his wife Satheeswari and since the same has not yet been considered, has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents to consider the petitioner's representation dated 29.07.2013 and to pass appropriate orders.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. The petitioner is the owner of the subject property and he mortgaged the property to one Dayaram and obtained loan of Rs.1,50,000/- during the year 2003. During the year 2007, he repaid the entire loan amount and asked the said Dayaram to cancel the mortgage deed and thereafter the petitioner came to know that instead of mortgage deed, the said Dayaram had executed sale deed and registered the same as Document No.3547/2003 on the file of Sub-Registrar, Kundrathur. Unless the said sale deed is cancelled in the manner known to law, the prayer sought for in this writ petition cannot be granted.

7.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvallur District.

2.The Tahsildhar,
Poonamallee Taluk,
Thiruvallur District.

+1cc to Mr.G.Sumitra, Advocate, S.R.No.37751

+1cc to the Government Pleader, S.R.No.37679

W.P.No.31997 of 2014

NK(CO)

SB(19/07/2022)