



W.P.No.32472 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.32472 of 2014
and M.P.Nos.1 & 2 of 2014**

Mr.V.Poovaragavamoorthy
Rep. by the Power of Attorney agent
R.Kurinjalavan

...Petitioner

Versus

1.The Sub Registrar,
Sub Register Office,
Gingee – 604 202.

2.M.Kannappa Chettiar

(R2 was impleaded vide order dated 06.02.2015 made in M.P.No.1 of 2015)

3.K.Manickam

(R3 was impleaded vide order dated 10.10.2022 made in M.P.No.2 of 2015)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorarified mandamus calling for the



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records of the respondent regarding the Registration of the sale deed by his proceedings ATM No.200/2014 dated 06.11.2014 and quash the same and direct the respondent to register the sale deed in Gingee Town Panchayat, Sakkrapuram Village Survey No.21/1 0.73 Cents, Survey No.21/2 0.31 Cents.

For Petitioner	:	Mr.S.Mazhaimenipandiyan
For Respondent – 1	:	Mr.G.Krishnaraja, Additional Govt. Pleader
For Respondent – 2	:	Mr.G.Krishna Kumar
For Respondent – 3	:	Ms.Adishree Manoharan

ORDER

The relief sought in this writ petition is to call for the records of the first respondent regarding the Registration of the Sale Deed vide proceedings ATM No.200/2014 dated 06.11.2014 and quash the same and direct the first respondent to register the Sale Deed in Gingee Town Panchayat, Sakkrapuram Village Survey No.21/1 0.73 Cents, Survey No.21/2 0.31 Cents.



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2. The case of the petitioner (Kurinjalavan) is that the property in S.Nos.21/1 & 21/2 measuring to an extent of 0.73 cents and 0.31 cents respectively situated at Gingee Town Panchayat Natham was purchased by the father of one Mr.V.Poovaragavamoorthy in a General Auction executed by Principal District Court, Gingee on 23.12.1987 vide Execution Proceedings No.423 of 1984 in Pondy O.S.No.383 of 1970 and the said sale was confirmed by the Principal District Court, Gingee on 19.12.1992. Patta No.2233 of the said property stood in the name of father of Mr.V.Poovaragavamoorthy. Later, father of Mr.V.Poovaragavamoorthy had executed a Settlement Deed in favour of his son Poovaragavamoorthy on 19.12.2011. The said Poovaragavamoorthy had executed a General Power of Attorney dated 03.12.2012 in favour of petitioner and one Mr.D.S.Kumar and given the General Power of his property to them. The said Power of Attorney was registered as Document No.3329 of 2012 on the file of the Sub Registrar Office, Gingee.

2.1. While so, the second respondent has claimed that he is the owner of the subject property and given a false complaint against the said Poovaragavamoorthy, however, the Inspector of Police, Gingee Police



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Station did not file any case against the Poovaragavamoorthy. So, the second respondent has filed a Criminal Original Petition in CrI.O.P.No.17206 of 2013 before this Court seeking to direct the Inspector of Police, Gingee Police Station to register FIR on his complaint. Subsequently, based on the complaint given by the second respondent, Police has registered a case in Crime No.482 of 2013 against the said Poovaragavamoorthy, as a result of which, the said CrI.O.P was closed by this Court vide order dated 06.08.2013.

2.2. Thereafter, on 06.11.2014, the petitioner and said D.S.Kumar has executed a Sale Deed in favour of one Mr.A.Ashok and submitted the said Sale Deed before the first respondent for registration. However, the first respondent vide proceedings in ATM No.200 of 2014 dated 06.11.2014, refused to register the said Sale Deed for the reason that this Court has stayed the registration in M.P.No.1 of 2013 in CrI.O.P.No.17206 of 2013 dated 11.11.2013 and I.G. also issued a circular No.33/C1/2010 dated 15.09.2010 and 46445/1C/2010. Aggrieved over the same, the petitioner has filed the present writ petition before this Court.



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3. The learned counsel for the petitioner submitted that based on the false complaint given by the third respondent, the Inspector of Police, Gingee Police Station has registered a case against the said Poovaragavamoorthy. He further submitted that the order passed by the first respondent is illegal and against the principles of natural justice. Therefore, he prayed that liberty may be granted to the petitioner to file a fresh application before the first respondent, for registration of Sale Deed.

4. The learned counsel appearing for the second respondent submitted that already Patta of the subject property which stood in the name of the petitioner was cancelled by the Revenue Divisional Officer, Tindivanam vide proceedings dated 01.09.2014. Challenging the said cancellation order, the said Poovaragavamoorthy has filed a writ petition in W.P.No.24839 of 2014 before this Court and the same was disposed of on 16.07.2018. The operative portion of the said order reads as follows:

“6. This court is of an opinion that under section 3 of the Patta Passbook Act, 1983, the competent authorities are empowered to grant patta only to the owner. In the event of establishing the ownership, the person concerned is entitled to get patta. In the event of any dispute in



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respect of the immovable property, then the parties have to approach the competent civil court of law to establish their title, ownership or possession. Only after the conclusion of these civil litigations, the respective parties shall approach the competent revenue officials for grant of patta under the provisions of the Patta Passbook Act. The competent authority under the Patta Passbook Act is incompetent to adjudicate the title, ownership or possession in respect of the immovable property.

7. Under these circumstances, the grant of patta or cancellation of patta cannot be granted under the Patta Passbook Act during the pendency of the civil litigations between the parties. Under these circumstances, all the proceedings issued by the respondents / competent authorities under the provisions of the Patta Passbook Act are kept in abeyance and the respective parties are at liberty to adjudicate their respective rights before the competent civil court of law and only after the conclusion of the civil litigations, the parties concerned are at liberty to approach the competent authority under the Patta Passbook Act for grant of patta. Thus, all the proceedings issued by the respondents under the Patta Passbook Act are kept in abeyance.

8. It is left open to the respective parties to file a fresh application for grant of patta or cancellation of patta or modification in revenue records after the conclusion of the civil litigations. Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.”

5. Heard the learned counsel on either side and perused the materials placed before this Court.



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6. Considering the facts and circumstances of the case and also, in view of the order passed by this Court in W.P.No.24839 of 2014 dated 16.07.2018, this Court is of the opinion that the relief sought by the petitioner cannot be granted since the petitioner's case deserves no merit of consideration. Hence, this writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

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The Sub Registrar,
Sub Register Office,
Gingee – 604 202.



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M.DHANDAPANI, J.

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