



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20138 OF 2021

Shri.Noor Mohamed

... Petitioner

.Vs.

1. The District Collector,
Kallakurichi District,
Collectorate.
2. The District Revenue Officer,
Sankarapuram,
Kallakurichi District,
Kallakurichi - 606 401.
3. The Sub Collector,
Kallakurichi District,
Kallakurichi.
4. The Joint Sub Registrar,
Kallakurichi District,
Kallakurichi.
5. The District Registrar,
Kallakurichi District,
Kallakurichi - 606 202.
6. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
7. Musthafa Sahib
8. Muthalip Sahib
9. Abdul Rahaman
10. Abu bakar
11. Ibrahim sahib

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to consider my representation dated 28.06.2021 whereby requesting the third respondent to initiate inquiry and cancel the separate patta issued in S.No.192/8A1 in favour of 7th to 11th respondents and to cancel the registration done in Document No.621 of 2020 before the SRO, Kallakurichi.

For Petitioner : Mr.M.Mohamed Nazar

For Respondent : Mr.T.Chezhiyan
Additional Government Pleader
For R1 to R3 and R6

Mr.Yogesh Kannadasan
Special Government Pleader
For R4 and R5

M/s.Kanimozhimathi
For R7 to R11

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to consider his representation dated 28.06.2021 requesting the third respondent to initiate inquiry and to cancel the separate patta issued in S.No.192/8A1 in favour of respondents 7 to 11 and to cancel the registration done in Document No.621 of 2020 before the SRO, Kallakurichi.

2. The case of the petitioner is that the subject property is his ancestral property According to the petitioner, the private respondents fraudulently obtained patta from the Revenue Officials. Hence, he made representation seeking to cancel the patta granted in favour of the private respondents and since the same has not yet been considered, has filed this writ petition.

3. The learned counsel appearing for the petitioner submitted that this Court may issue direction to the third respondent to initiate inquiry and to cancel the separate patta issued in favour of the private respondents.

4. The learned counsel appearing for the private respondents submitted that the private respondents purchased 8-1/2 cents from the petitioner's grandparents during the year 1946, however, the said document was not registered. The learned



counsel further submitted that after purchase, the property was mortgaged several times, however, after several years, the petitioner is raising the dispute, which is not sustainable.

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

6. The petitioner claims that he inherited the subject property from his grandparents. The private respondents claim that they purchased 8-1/2 cents from the petitioner's grandparents during the year 1946, however, the said document was not registered. Prima facie there is civil dispute inbetween the petitioner and the private respondents, in which, the Revenue Officials have no power to agitate.

7. In view of all the above, this Court directs the third respondent to consider the petitioner's representation dated 28.06.2021 on merits and in accordance with law and to pass appropriate orders, as expeditiously as possible. This Court grants liberty to the petitioner to file suit as against the private respondents before the competent civil Forum for establishing the title over the subject property.

8. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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Collectorate.
2. The District Revenue Officer,
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Kallakurichi District,
Kallakurichi - 606 401.
3. The Sub Collector,
Kallakurichi District,
Kallakurichi.



4. The Joint Sub Registrar,
Kallakurichi District,
Kallakurichi.

5. The District Registrar,
Kallakurichi District,
Kallakurichi - 606 202.

6. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

+1cc to Mr.M.Mohamed Nazar, Advocate, S.R.No.8177
+1cc to M/s.Kanimozhimathi, Advocate, S.R.No.7988
+1cc to the Government Pleader, S.R.No.8326

W.P.NO.20138 OF 2021

PMK(CO)
PBS/09/03/2022