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W.P.No.33668 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33668 of 2022

D.Bhavani

... Petitioner

Vs

1.The Sub Collector,
Sub-Collector Office,
Pollachi – 642 001.

2.The Tahsildar,
Taluk Office,
Pollachi – 642 001.

3.The District Collector,
Collector Office,
Coimbatore.

4.Venkatesh Kumar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 09.05.2022 and consequently direct the respondents 1 to 3 to stop issuing patta over the disputed land to the 4th respondent and other wrongful claimants.

For Petitioner : Ms.T.Sudha Gandhi

For Respondents : Mr.P.Sathish
Addl. Govt. Pleader for R1 to R3



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ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to consider the representation of the petitioner dated 09.05.2022 and consequently direct the respondents 1 to 3 to stop issuing patta over the disputed land to the 4th respondent and other wrongful claimants.

2. It is the case of the petitioner that, the petitioner's forefathers were given land assignment under landless poor category as they belong to scheduled caste community sometime in 11.11.1921. In respect of S.No.146/2 to the extent of 0.56 acres out of the total extent of 1.80 acres at S.No.145/2 since then it is the claim of the petitioner that, the property has been inherited by the legal heirs of the forefathers and accordingly the petitioner claims that she is the present owner of the property in question.

3. The patta passbook also according to the petitioner was available with the petitioner, however that was taken by some third party claimed to be a Lawyer for the purpose of getting a separate patta in favour of the petitioner. However, subsequently only, the petitioner claims that, she came to know that the property in question has been fraudulently sold to some third parties as if that the petitioner has bequeathed the same by way of sale



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deed.

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4. Therefore, in order to cancel the said document and to restrain the revenue people from issuing patta in favour of the alleged purchasers through the fraudulent transaction from issuing patta, the petitioner had given a representation on 09.05.2022 to the 1st respondent i.e. Sub Collector, Pollachi. In order to consider the said representation, the petitioner has moved the present writ petition.

5. Heard the learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 3.

6. Since the main grievance of the petitioner is that, the petitioner's land has been sold fraudulently to some third parties and those documents have to be cancelled and as a consequential measure, in the meanwhile the revenue authorities shall be prevented or forbearred from issuance of patta to any third parties in the guise of purchasers through the said alleged fraudulent documents.

7. If that be the grievance of the petitioner, the proper remedy which



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is available for the petitioner is before the District Registrar under Section 77-A of the Registration Act invoking the same if a complaint is given before the District Registrar that can very well be enquired into and decided by the District Registrar by giving notice to both petitioner as well as the person against whom the complaint is made.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

(i) That it is open to the petitioner to make a complaint/representation to the District Registrar (Registration), Coimbatore District at the earliest making complaint against the private parties against whom such a complaint/allegation is made by the petitioner that by way of fraudulent transaction/registration of document the property belongs to the petitioner has been sold to some third parties.

(ii) On receipt of such complaint from the petitioner, the concerned District Registrar can enquire the matter and after giving notice to both the petitioner and the persons against whom such a complaint is made can decide the same on merits



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and in accordance with law within a period of eight weeks

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9. Since the District Registrar, Coimbatore District is not a party in this writ petition, the Registry is directed to make a copy of this order to the said authority for information and for compliance in case the complaint, as directed above, is made by the petitioner.

10. With this direction, this Writ Petition is disposed of. No costs.

15.12.2022

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

1.The Sub Collector,

Sub-Collector Office,

Pollachi – 642 001.

2.The Tahsildar,

Taluk Office, Pollachi – 642 001.

3.The District Collector,

Collector Office, Coimbatore.

Copy to:

The District Registrar (Registration),

Coimbatore District.



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R.SURESH KUMAR, J.

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