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W.P.No.30156 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.30156 of 2022

D.Rajasekar

...Petitioner

Versus

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Assistant Director,
District Land Survey and Records,
Dharmapuri.
- 3.The Tahsildar,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District.
- 4.The Head Surveyor,
Pennagaram Taluk Office,
Pennagaram Taluk,
Dharmapuri District.
- 5.The Village Administrative Officer,
Sunjalnatham Revenue village,
Pennagaram Taluk,
Dharmapuri District.



W.P.No.30156 of 20__

6.C.Sagunthala

7.Premkumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent herein to dispose the appeal dated 17.09.2022 filed by the petitioner challenging the order dated 15.09.2022 vide Na.Ka.No.1474/2022 (D3) passed by the third respondent within the stipulated time fixed by this Court.

For Petitioner	:	Mr.R.Thamaraiselvan
For Respondents – 1 to 5	:	Mr.T.K.Saravanan, Government Advocate
For Respondents – 6 & 7	:	Mr.C.Palanisamy

ORDER

Mr.T.K.Saravanan, learned Government Advocate takes notice for the respondents 1 to 5. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought by the petitioner in this writ petition is to direct the second respondent herein to dispose the appeal dated 17.09.2022 filed



by him challenging the order dated 15.09.2022 vide Na.Ka.No.1474/2022

(D3) passed by the third respondent, within a time frame as stipulated by this Court.

3. The case of the petitioner is that he is the owner of the land measuring to an extent of 18 cents comprised in Old Survey No.393, New Survey No.393/1C situated at Sunjalanatham village, Pennagaram Taluk, Dharmapuri District. He is in possession and enjoyment of the said land as an absolute owner and Patta was also granted in his favour in Patta No.271.

3.1. While so, the respondents 6 & 7 who are the owners of lands which situated adjacent to the petitioner's land attempted to grab the petitioner's land by way of a fraudulent Settlement Deed dated 08.01.2021 which was executed by one Mr.Chidambaram (husband of 6th respondent & father of 7th respondent) in respect of land comprised in Survey No.393/1B measuring to an extent of 881 sq.ft at Sunjalanatham village, Pennagaram Taluk, Dharmapuri District. Hence, the petitioner made a representation dated 11.06.2020 before the District Registrar, Dharmapuri to conduct enquiry in this regard and cancel the fraudulent Sale Deed executed in



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respect of land comprised in Survey No.393/1B. The District Registrar vide order in Na.Ka.No.1384/A3/2020 dated 16.08.2021 has rejected the request made by the petitioner in his representation for the reason that the issue between the petitioner and respondents 6 & 7 has to be decided only by the competent Civil Court and moreover, a District Registrar has no jurisdiction to cancel a fraudulent Sale Deed.

3.2. Thereafter, challenging the order passed by the District Registrar, Dharmapuri, the petitioner has preferred an appeal before the Deputy Inspector General of Registration, Salem. However, the Deputy Inspector General of Registration, Salem has rejected his appeal vide order dated 09.03.2022 for the very same reasons stated by the District Registrar, Dharmapuri.

3.3. Suppressing all these things, the sixth respondent made an application dated 15.02.2022 before the first respondent, requesting to survey her land comprised in Survey No.393/1B1 bearing Patta No.270 situated at Sunjalanatham village, Pennagaram Taluk, Dharmapuri District. The said application was also presented before the respondents 3 & 4,



however, the same was not considered. Hence, she filed a writ petition in W.P.No.10220 of 2022 before this Court, seeking a direction to the third respondent herein to consider her application and measure her property. This Court vide order dated 27.04.2022 disposed of the said writ petition by directing the third respondent to consider the representation of sixth respondent and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the sixth respondent as well as petitioner herein.

3.4. Subsequently, the third respondent vide Memorandum dated 18.08.2022, called upon the petitioner to appear for enquiry on 24.08.2022. So, the petitioner has also participated in the enquiry along with all necessary documents and submitted his objections, however, the third respondent vide order in Na.Ka.No.1474/2022 (D3) dated 15.09.2022 has rejected his objections by stating that the petitioner has not appeared for enquiry and submitted any documents and also, he has no *locus standi* to make any objection with regard to survey of land in Survey No.393/1B. As against the order passed by the third respondent, the aggrieved petitioner has filed an appeal dated 17.09.2022 before the second respondent and the



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same is pending consideration. Hence, the petitioner gave a representation dated 26.09.2022 to the first respondent to stay further proceedings with regard to the survey of land in Survey No.393/1B till the disposal of his appeal which is pending before the second respondent, however, the said representation was also not yet considered. While so, the third respondent sent a Memo Fl.No.109/2022 dated 03.11.2022 to the sixth respondent as well as petitioner, in and by which, intimating them that survey of land in S.No.393/1B1 is going to be conducted on 11.11.2022 at 10.00 a.m and also, calling them to be present along with all necessary documents during the survey of said land. Hence, left with no other alternative, the petitioner has filed the present writ petition before this Court for the relief stated *supra*.

4. Since no adverse order is being passed against the respondents 6 & 7, notice to the respondents 6 & 7 is dispensed with.

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



W.P.No.30156 of 20__

WEB COPY

6. Considering the limited relief sought by the petitioner in this writ petition, this Court, without going into the merits of the case, directs the second respondent to dispose of the appeal dated 17.09.2022 preferred by the petitioner, after affording an opportunity of personal hearing to the petitioner as well as respondents 6 & 7, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

14.11.2022

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Index : Yes/No



W.P.No.30156 of 20__

M.DHANDAPANI, J.

mrr

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