



W.P. No. 30330 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 33045 & 33046 of 2017

and

W.M.P. Nos. 36425 & 36426 of 2017

A.Kavin Kumar

... Petitioner in both the petitions

-VS-

1 The District Collector
Thiruppur District, Thiruppur.

2 The Tashildar,
Kangayam Taluk, Thiruppur District.

3 K.R.Loganathan

4 P.Duraisamy

5 K.Muthusamy

6 K.Shanmugasundaram

... Respondents in W.P.No.33045 of 2017

1 The District Registrar
Office of the District Registrar,
Tiruppur, Tiruppur District.

2 The Sub Registrar,
Kangayam Sub Registrars Office, Kangayam,
Thiruppur District.



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3 K.R.Loganathan

4 P.Duraisamy

5 K.Muthusamy

6 K.Shanmugasundaram

... Respondents in W.P.No.33046 of 2017

Prayer in W.P.No.33045 of 2017:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent 1 to consider the petitioners representation dated 19.11.2017 and take action by cancelling the patta No.3098 issued in the name of 6th respondent and restore the petitioners name in respect of 2.05 acres bearing in S.F. No.278/1 of Padiyur Village Kangeyam Taluk Thirupur District.

Prayer in W.P.No.33046 of 2017:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent 1 and to taken action against the respondents 3 to 6 under sections 81 to 83 of the Registration Act 1908 for fraudulent creation of the sale deeds dated 18.03.2008 18.03.2009 and 15.11.2016 in respect of the petitioners property measuring 2.05 acres bearing in S.F. No.278/1 of Padiyur Village Kangeyam Taluk Thirupur District by considering the petitioners representation dated 2.12.2017.

Both the writ petitions

For Petitioner : Mr. N.Manokaran

For Respondents : Mr. G.Krishnaraja (For R1 & R2)
Additional Government Pleader



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Mr. D.Gopal For R3

Mr.C.Prakasam For RR4 & 5

COMMON ORDER

W.P.No.33045 of 2017 has filed seeking a direction to the respondents 1 to consider the petitioners representation dated 19.11.2017 and take action by cancelling the patta No.3098 issued in the name of 6th respondent and restore the petitioners name in respect of 2.05 acres bearing in S.F. No.278/1 of Padiyur Village Kangeyam Taluk Thirupur District.

2. W.P.No.33046 of 2017 has filed seeking a direction to the first respondent and to taken action against the respondents 3 to 6 under sections 81 to 83 of the Registration Act 1908 for fraudulent creation of the sale deeds dated 18.03.2008 18.03.2009 and 15.11.2016 in respect of the petitioners property measuring 2.05 acres bearing in S.F. No.278/1 of Padiyur Village Kangeyam Taluk Thirupur District by considering the petitioners representation dated 2.12.2017.

3. According to the petitioner, he is the owner of the property in S.F. No.278/1 of Padiyur Village Kangeyam Taluk Thirupur District. However, the patta was wrongly issued in favour of the private respondents. For cancellation



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of patta, the petitioner made a representation on 19.11.2017 to the District

Collector, Thiruppur and the Tahsildar, Kangeyam Taluk, Thiruppur District .

Further, the petitioner made another representation on 02.12.2017 to the District Registrar and the Sub Registrar, Thiruppur District for taking action against the private respondents for creation of the forged sale deed in respect of the petitioner's property. Till date, the respondents have not considered the representations of the petitioner and therefore, he filed two writ petitions before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that the petitioner's father was working as a Head Master and the private respondents had fraudulently obtained thumb impression from his father, created a forged sale deeds dated 18.03.2008, 18.03.2009 and 15.11.2016. Challenging the said sale deeds, the petitioner had already filed a suit in O.S.No.193/2008 and the same was subsequently re-numbered as 34 of 2017 on the file of the Sub Court, Kangeyam and the said suit is still pending. Therefore, the learned counsel prays that this Court may permit the petitioner to canvas all the point before the trial Court.

5. Heard both sides and perused the materials available on record.



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6. Considering the fact that when the suit is pending in respect of the subject property, the revenue officials and registration officials have no power to decide the issue. The petitioner has to ventilate his grievance in the suit and come out successful and he cannot avail the benefit by preferring the present writ petition, which is not maintainable.

7. In such view of the matter, this Court is of the considered view that the petitioner has to work out his remedy before the civil Court in the suit filed by him and no orders can be passed in these writ petitions.

8. For the reasons stated above, these Writ Petitions are disposed of granting liberty to the petitioner to work out his remedy before the appropriate forum, including the suit in O.S.No. 34 of 2017. No costs. Consequently, connected miscellaneous petitions are also closed.

28.06.2022

Rli

Index: Yes/No



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To

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Thiruppur District.



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M.DHANDAPANI, J.

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