



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.11979 of 2010

and M.P. (MD)Nos.2 and 3 of 2010

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M.Pandi

... Petitioner

versus

1. The Sub Registrar,
Sub Registrar Office,
Kallikudi,
Madurai District.

2. The Tashildar,
Tirumangalam,
Madurai District.

3. J.Helen Sahayarani
Sub Registrar,
Sub Registrar Office,
Kallikudi, Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent herein in her proceedings in நிலுவை ஆவண எண் 157/2010 dated 10.08.2010 and quash the same and consequently, direct the first respondent herein to register the settlement deed in respect of S.No.161/5C in Kallikudi Village, Tirumangalam Taluk, Madurai District.

For Petitioner : M/s.K.Hemakarhikeyan
For R1 and R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : No appearance

ORDER

This writ petition is filed as against the proceedings of the first respondent dated 10.08.2010 and for a consequential direction to the first respondent to register the petitioner's settlement deed in respect of Survey No.161/5C in Kallikudi Village, Tirumangalam Taluk, Madurai District.

2. The petitioner, on the strength of patta, executed a settlement deed in favour of his wife P.Mariswari on 10.05.2010, vide document No.2288/2010 and thereafter, due to some dispute between the petitioner and his wife, the petitioner cancelled the said settlement deed, vide document No.2404/2010, dated 18.05.2010.



After resolving the dispute, in respect of the very same property, the petitioner has presented another settlement deed dated 30.07.2010 in favour of his wife before the first respondent for registration. The first respondent/Sub Registrar, after verifying the encumbrances, found that the subject matter of the property in settlement deed was already sold by the petitioner's father for himself and as guardian of his minor son Pandi, namely, the petitioner herein, in the year 1968 in favour of one Veluthevar vide Document No.266/1968; the said Veluthevar's son settled the property in favour of his son one D.Bharath Kumar vide Document No.2424/2010 on 19.05.2010; the said Bharathkumar also sold the property on 12.07.2012 by subsequent document No.4900/2012. However, by mistake, the patta stands in the name of the petitioner. Therefore, the Sub-Registrar, Kallikudi, by proceedings dated 10.08.2010, referred the matter to the Tahsildar for getting a report as to how the patta stands in the name of the petitioner. Challenging the same, the present writ petition has been filed.

3. Considering the said fact, this Court, on earlier occasion, directed the Tahsildar to conduct an enquiry with regard to the patta stands in the name of the petitioner and directed him to file a report.

4. Pursuant to the direction of this Court, the Tahsildar has also submitted a report to the learned Government Advocate in Na.Ka.No.C3/1061/17, dated 15.02.2017 stating that the property was originally sold by the petitioner's father for himself and as a guardian of his minor son to one Veluthevar, S/o.Shanmugathevar for a sum of Rs.200/- vide document No.266/1968. However, during UDR entry, the patta was not transferred in the name of the subsequent purchaser.

5. Perusal of the report reveals that the petitioner, by taking advantage that the patta stands in his name, executed a settlement deed in favour of his wife on 10.05.2010 in Document No.2288/2010 and thereafter, due to some dispute between them, he cancelled the settlement deed on 18.05.2010 vide document No.2404/2010. Thereafter, he presented another settlement deed in favour of his wife on 30.07.2010 in respect of the very same property, before the Sub Registrar, Kallikudi. The Sub Registrar, based on the encumbrances, by proceedings dated 10.08.2010, referred the matter to the Tahsildar for getting a report as to how the patta stands in his name. Challenging the same, the writ petition has also been filed in the year 2010 and the same is kept pending for the past 12 years.

6. This Court on earlier occasions directed the petitioner to explain as to how he derived title over the subject matter of the property. Even today, the petitioner is not in a position to explain as to how he derived title over the subject property. The conduct of the petitioner in creating a settlement deed on 10.05.2010 in



favour of his wife and cancelling the deed by document on 18.05.2010 vide document No.2404/2010 and thereafter, creating another settlement deed on 30.07.2010 in favour of his wife within two months, after cancelling the deed executed in favour of his wife, would expose that the petitioner is attempting to create records by taking advantage of the patta stands in the name of the petitioner. Therefore, this Court is inclined to dismiss the writ petition with cost of Rs.10,000/-.

7. Accordingly, the writ petition is dismissed with cost of Rs.10,000/- (Rupees ten thousand only), which has to be paid by the petitioner to the Research and Development Wing (Siddha), Indian Medicine and Homeopathy Department, Arumbakkam, Chennai - 600 106, in Canara Bank, Anna Nagar East Branch, Chennai, (Account No.0974101556378, IFSC Code: CNRB0000974), within a period of two weeks from the date of receipt of a copy of this order. The amount paid by the petitioner shall be utilized by the said Department for research activities in Siddha Medicine. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-)

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/06/2022

Sub Assistant Registrar(CS)

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To

1. The Sub Registrar,
Sub Registrar Office,
Kallikudi, Madurai District.
2. The Tashildar, Tirumangalam,
Madurai District.
3. The Dean / Officer Incharge,
Research and Development Wing (Siddha),
Indian Medicine and Homeopathy Department,
Arumbakkam, Chennai - 600 106

+1 CC to M/s.SPL GP (SR-15311[F] dated 30/03/2022)

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-15598[F] dated 31/03/2022)

W.P. (MD)No.11979 of 2010
29.03.2022

na (CO)

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