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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.4258 of 2022

and

W.M.P. (MD) .No.3634 of 2022

Silumbayee

... Petitioner

Vs

1. The District Registrar,
Palani,
Dindigul District.
2. The Sub Registrar,
Gujiliamparai,
Dindigul District.
3. The Tahsildar,
Gujiliamparai Taluk,
Gujiliamparai,
Dindigul District.
4. The Executive Officer,
Palayam Town Panchayat,
Palayam,
Gujiliamparai Taluk,
Dindigul District.
5. The Inspector of Police,
Gujiliamparai Police Station,
Gujiliamparai,
Dindigul District.
6. S.Rajalakshmi
7. M.Subramani
8. Backiyalakshmi
9. Muthulakshmi
- 10.Manickayee

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to enquire and cancel the forged sale deed in documents No.2935/2021, dated 24.12.2021, with regard to the petitioner's father's property in Survey No.995/4 and 996/2A,

<https://hcservices.ecourts.gov.in/hcservices/>



situated at Palayam Village, Gujiliamparai Taluk, Dindigul District, based on the petitioner's representation, dated 31.01.2022.

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For Petitioner : Mr.G.Gomathi Shankar

For Respondents : Mr.J.John Rajadurai
Government Advocate
for R1 to R3, R5

Mr.A.Baskaran, for R4

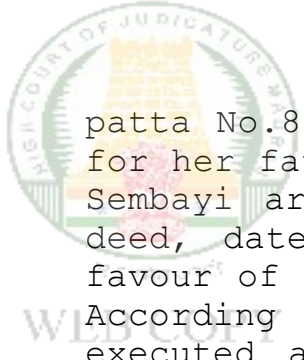
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to enquire and cancel the forged sale deed in document No.2935/21, dated 24.12.2021, with regard to the petitioner's father's property in Survey No.995/4 and 996/2A, situated at Palayam Village, Gujiliamparai Taluk, Dindigul District, based on the petitioner's representation, dated 31.01.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that her father Mariyappan was the absolute owner of the aforementioned property. The petitioner's father died on 14.11.2021, leaving behind the petitioner and her mother as his only legal heirs. However, illegally the respondents 7 to 10 have obtained patta in their name for the very same property immediately after the death of the petitioner's father. It is also the case of the petitioner that a sale deed has been registered for the very same property and it was executed by the respondents 7 to 10 in favour of the 6th respondent on 24.12.2021. According to the petitioner, fraudulently the aforementioned sale deed has been executed and registered. She has given a representation on 31.01.2022, to the official respondents, seeking for cancellation of the said sale deed. Since the representation has not been considered till date, she has filed this writ petition.

3.Heard Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner, Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3 and 5 and Mr.A.Baskaran, learned counsel, who accepts notice on behalf of the fourth respondent.

4.The petitioner has filed documents along with the writ petition. She has also filed patta for the subject property in the name of her father Mariappan and the patta in



patta No.8422. She has also filed the legal Heirship Certificate for her father Mariyappan, which discloses that she and her mother Sembayi are his only legal heirs. She has also filed the sale deed, dated 24.12.2021, executed by the respondents 7 to 10 in favour of the 6th respondent in respect of the very same property. According to her, the said sale deed has been fraudulently executed and registered. Admittedly, her representation, dated 31.01.2022, to the official respondents, seeking for the cancellation of the said sale deed, has not been considered till date.

5.No prejudice will be caused to the respondents, if the petitioner's representation, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 6 to 10.

6.For the forgoing reasons, this Court directs the first respondent to consider the petitioner's representation, dated 31.01.2022, seeking for cancellation of the sale deed, dated 24.12.2021, registered as document No.2935/21 on the file of the Sub Registrar Office, Gujiliamparai, in respect of the property comprised in Survey No.995/4 and 996/2A, situated at Palayam Village, Gujiliamparai Taluk, Dindigul District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 6 to 10, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

1. The District Registrar,
Palani,
Dindigul District.

2. The Sub Registrar,
Gujiliamparai,
Dindigul District.

3. The Tahsildar,
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Gujiliamparai,
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4. The Executive Officer,
Palayam Town Panchayat,
Palayam,
Gujiliamparai Taluk,
Dindigul District.

5. The Inspector of Police,
Gujiliamparai Police Station,
Gujiliamparai,
Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate
(SR-11304[F] dated 10/03/2022)

+1 CC to M/s.SPL Government Pleader
(SR-11850[F] dated 14/03/2022)

W.P. (MD) No.4258 of 2022
and
W.M.P. (MD) .No.3634 of 2022
10.03.2022

SP/23/03/2022/4P/8C