



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6225 of 2022

K.Jayabalan

... Petitioner

Vs.

1.The District Collector,
Puthukottai District.

2.The Revenue Divisional Officer,
Puthukottai,
Puthukottai District.

3.The Tahsildar,
Puthukottai,
Puthukottai District.

4.Joint Sub-Registrar,
No.R/1, Joint Sub Registrar,
Trichy City,
Trichy.

5.Mohan Raj

6.Anandh Krishnan

7.The District Registrar,
Trichy District.

... Respondents

[R7 is suo motu impleaded vide
order dated 05.04.2022].

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to cancel the partition deed in Document No.6425 of 2018 dated 05.09.2018 and to recover the property in Survey Number 231A by considering the petitioner's representation dated 25.01.2022.

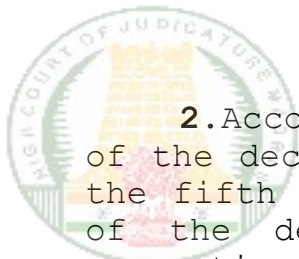
For Petitioner : Mr.T.Palanisamy

For Respondents 1 to 4 : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to cancel the partition deed dated 05.09.2018 registered as Document No.6425 of 2018 based on the petitioner's representation dated 25.01.2022, within a time frame to be fixed by this Court.



2. According to the petitioner, he is the son of the second wife of the deceased Krishnaraj. It is the case of the petitioner that the fifth and sixth respondents are the children of the first wife of the deceased Krishnaraj. According to the petitioner, the properties belonging to Krishnaraj were partitioned between the petitioner and the respondents 5 and 6, earlier. However, under the partition deed dated 05.09.2018, registered as Document No.6425 of 2018, the respondents 5 and 6 have once again partitioned the properties among themselves excluding the petitioner. According to the petitioner, the partition deed dated 05.09.2018 registered as Document No.6425 of 2018 is a fraudulent document. In such circumstances, the petitioner has given a representation on 25.01.2022 to some of the official respondents. According to him, since the representation has not been considered, he has filed this writ petition.

3. Heard Mr.T.Palanisamy, learned Counsel appearing for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

4. At the outset, learned Additional Government Pleader appearing for the official respondents would submit that no representation has been given to the concerned District Registrar, who is the competent authority to decide the issue on hand.

5. Learned Counsel for the petitioner seeks liberty of this Court to give a fresh representation and seeks for a direction from this Court to the concerned District Registrar, to dispose of the petitioner's representation within a time frame to be fixed by this Court.

6. The petitioner has filed documents along with this writ petition to substantiate his case that the partition deed dated 05.09.2018 registered as Document No.6425 of 2018 is a fraudulent document. It is for the District Registrar to consider the same on merits and in accordance with law after affording a fair hearing to the petitioner as well as the fifth and sixth respondents and any other necessary party whom the District Registrar deems fit to enquire.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the District Registrar, Trichy, seeking for cancellation of the partition deed dated 05.09.2018 registered as Document No.6425 of 2018, within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said representation, the District Registrar, Trichy, shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as the fifth and sixth respondents and any other necessary party whom the District Registrar, deems fit to enquire, within a period of three [3] months



thereafter.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The District Collector,
Puthukottai District.
2. The Revenue Divisional Officer,
Puthukottai,
Puthukottai District.
3. The Tahsildar,
Puthukottai,
Puthukottai District.
4. Joint Sub-Registrar,
No.R/1, Joint Sub Registrar,
Trichy City,
Trichy.
5. The District Registrar,
Trichy District.

+1 CC to M/s.SPL.GP (SR-17007[F] dated 06/04/2022)

ORDER MADE IN
W.P. [MD]No.6225 of 2022
05.04.2022

RS (21.04.2022) 3P-7C