



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8091 of 2022

R.Swaminathan

... Petitioner

Vs.

1. The District Collector,
Collector Office,
Thanjavur,
Thanjavur District.
2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600028.
3. The District Registrar,
District Registrar's Office,
Thanjavur,
Thanjavur District.
4. The Sub Registrar,
Sub Registrar's Office,
Maharnombusavadi,
Thanjavur District.
5. The Tahsildar,
Taluk Office,
Papanasam,
Thanjavur District.

6. S.Krishnamoorthy
7. S.Janagiraman
8. S.Raguraman

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third and fourth respondents to delete fraudulent

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entry made by the eighth respondent herein a six sale deeds dated 18.10.2014 in Regt.No.2312/2014; dated 18.06.2015 in Regt.No.1318/2015; dated 24.08.2016 in Regt.No.1631/2016; dated 28.08.2017 in Regt.No.1256/2017; dated 10.12.2018 in Regt.No.2985/2018; dated 21.11.2019 in Regt.No.3105/2019 on the file of fourth respondent herein to the property situated at Survey Nos.233/6A, 233/6C, 234/8, 238/15, 14/1, 2/3, 200/1A, 200/1C, 241/4, 32/2, 204/13 of Saliyamangalam Village, Pabanasam Taluk, Thanjavur District in the light of representation given by the petitioner on 09.01.2022 within stipulated time.

For Petitioner : Mr.B.Rajesh Saravanan
For R-1 to R-5 : Mr.J.John Rajadurai,
Government Advocate.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the third and fourth respondents to cancel the alleged fraudulent documents bearing Document Nos.2312/2014, 1318/2015, 1631/2016, 1256/2017, 2985/2018 and 3105/2019 on the ground that, fraudulently, the aforementioned documents were registered without there being any legal title for the executants of the said documents.

2. According to the petitioner, the properties which are the subject matter of the aforementioned documents are owned by Agraharam Pothunala Sangam. However, the persons claiming to represent Agraharam Pothunala Sangam have fraudulently executed the aforementioned documents. According to the petitioner, the subject properties were gifted to Agraharam Pothunala Sangam by the family members of the petitioner. The petitioner has given a representation on 09.01.2022 to the official respondents seeking for cancellation of the aforementioned documents. Since the said representation has not been considered till date, he has filed this Writ Petition. The respondents 4 to 8 are the parties to the documents referred to supra.

3. No prejudice would 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 8 as well as any other necessary party, whom the third respondent deems fit to enquire.

4. The learned Government Advocate appearing for the official respondents would submit that the petitioner will have to give a fresh representation for which the learned counsel for the petitioner also agrees.



5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation seeking for cancellation of the documents in Document Nos.2312/2014, 1318/2015, 1631/2016, 1256/2017, 2985/2018 and 3105/2019 to the third respondent within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the said representation, the third respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 6 to 8 as well as any other necessary party, whom the third respondent deems fit to enquire. The third respondent shall pass final orders within a period of twelve (12) weeks thereafter.

6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Thanjavur District.



5. The Tahsildar,
Taluk Office,
Papanasam,
Thanjavur District.

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate
(SR-21533[F] dated 27/04/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-22380[F] dated 28/04/2022)

W.P. (MD) .No.8091 of 2022
26.04.2022

SP/11/05/2022/4P/8C