



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 8876 of 2022 and

W.M.P. (MD) No. 6443 of 2022

WEB COPY

V.Chinnaiah

... Petitioner

Vs.

1. The District Registrar (Administration),
Sivagangai District, Sivagangai.

2. The Chairman,
Ujjivan Small Finance Bank,
Plot No.2364/8,
Khampur Village, Shadi Kampur,
Main Patel Road, New Delhi, Delhi - 10 008.

3. The Regional Manager,
Ujjivan Small Finance Bank,
Grape Garden,
No.27, 3rd A Cross, 18th Main,
Koramangala, Bangalore,
Karnataka - 560 095.

4. The Branch Manager,
Ujjivan Small Finance Ltd.,
No.19/1, Ground Floor,
Pandiyarajapuram Main Street,
Bye Pass Road, Madurai.

5. C.Vellaiyappan

6. V.Kaliammal

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to call respondents 2 to 4 along with respondents 5 and 6 for conducting enquiry and pass appropriate order in his proceedings in Na.Ka. No.371/E1/2022 dated 03.02.2022 to cancel the Doc. No.1409/2018, 1916/2018 and 2608/2019 registered before the Sub Registrar Office, Thiruppuvanam, Sivagangai District.

For Petitioner : Mr.V.Baskaran

For R-1 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

**ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent.

2. The petitioner claims title and ownership over 6.5 cents of land in new Survey No.239/17 of Pappankulam Village. He claims to have purchased the same under the sale deed dated 17.07.1986. According to him, his son, namely, the fifth respondent herein had fraudulently obtained free housing site over a portion of the said property. Subsequently, he also settled the same in favour of his wife. It is also alleged that the petitioner's son and the daughter-in-law managed to obtain loan on the strength of the said property. According to the petitioner's counsel, the conduct of the fifth respondent in executing the settlement deed in favour of his wife is fraudulent. He also would point out that one of the conditions of the assignment patta is that it should not be alienated for a period of ten years. According to him, the assignment made in favour of the fifth respondent by the revenue authorities is liable to be cancelled. Before this Court, the prayer sought for by the petitioner is that the registrar must conduct an enquiry for cancelling the settlement deed executed by the fifth respondent in favour of the sixth respondent. When I indicated that I am not in favour of giving direction to the first respondent as sought for by the petitioner, the learned counsel submitted he may be permitted to withdraw this writ petition.

3. Accordingly, this writ petition is dismissed as withdrawn.

4. I make it clear that I have not adjudicated or gone into the rights of the petitioner. His right to move the jurisdictional civil Court for appropriate relief is left entirely open. The petitioner is also at liberty to move the jurisdictional revenue authority for cancellation of the assignment made in favour of the fifth respondent. The petitioner is also at liberty to point out that the property that legitimately belonging to him cannot be the subject matter of the assignment patta. The dismissal of the writ petition as withdrawn will not in any way affect the rights of the petitioner. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

The District Registrar (Administration),
Sivagangai District,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-24387[F] dated 07/06/2022)

W.P. (MD) No. 8876 of 2022
06.06.2022

nsn(CO)
TR(17.06.2022) 3P 3C