



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.16897 of 2021

and

W.M.P(MD)No.13799 of 2021

M.Murugan

... Petitioner

vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.

3.The Tahsildar,
Taluk Office,
Manur Taluk,
Manur.

4.The Inspector General of Registration,
Registration Department,
Chennai.

5.The District Registrar,
Tirunelveli Registration District,
Tirunelveli.

6.The Sub-Registrar,
Gangaikondan Sub-Registrar Office,
Gangaikondan.

7.Esakki Pandi

8.Meena

9.Sakthivel

10.Murugesan

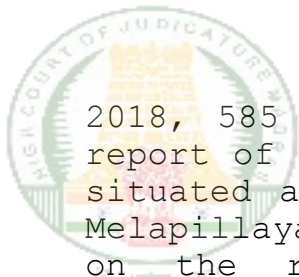
11.Vellathai

12.Balasubramanian

13.Sonia Gandhi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take steps to remove the encroachment made by the respondents 7 to 13 and consequently direct the fifth respondent to enquire the documents in D.No.2162 of 2015, 663 of 2016, 434 of



2018, 585 of 2020, 1704 of 2021 and 2446 of 2021 and enclose the report of the same on the file of the sixth respondent for the land situated at Survey No.1197/19 to an extent of 0.11.53 Hectares in Melapillayar Kulam Village, Manur Taluk, Tirunelveli District based on the representations, dated 28.12.2020 and 30.08.2021 and consequently to take action against the sixth respondent and VAO of Melapillayarkulam Village.

For Petitioner : Mr.T.Selvan

For RR 1 to 6 : Mr.P.Thilak Kumar
(*)Government Pleader

For RR 7 & 8 : Ms.M.Karthika

For R - 9 : Mr.A.Sankara Subramanian

For RR 10 & 11 : No appearance

For R - 12 : Mr.S.Vikram

(*)For R - 13 : Mr.A.Prasanna Rajadurai

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take steps to remove the encroachment made by the respondents 7 to 13 and consequently direct the fifth respondent to enquire the documents in D.Nos.2162 of 2015, 663 of 2016, 434 of 2018, 585 of 2020, 1704 of 2021 and 2446 of 2021 and endorse the report of the same on the file of the sixth respondent for the land situated at Survey No.1197/19 to an extent of 0.11.53 Hectares in Melapillayar Kulam Village, Manur Taluk, Tirunelveli District, based on the representations of the petitioner, dated 28.12.2020 and 30.08.2021 and consequently to take action against the sixth respondent and VAO of Melapillayarkulam Village.

2. The learned counsel appearing for the petitioner submitted that the Natham land in Survey No.1197/19 to an extent of 0.11.53 hectares in Melapillayar Kulam Village, Manur Taluk, Tirunelveli District, belongs to the Government. The 7th respondent created fabricated documents in respect of the said survey number and settled the same to the 8th respondent. Thereafter, based on the said fabricated documents, there were settlement and sale in respect of the said property between the private respondents and the sixth respondent / Sub-Registrar also colluding with the private respondents, without properly verifying the revenue records, had registered the sale deeds based on the VAO certificate, dated



12.06.2009. Hence, the petitioner made representations on 28.12.2020 and 09.01.2021 to the respondents 1 to 6 to cancel the aforesaid sale deeds and to take appropriate action against all the persons concerned. Thereafter, the fourth respondent sent a communication to the fifth respondent to conduct enquiry and for appropriate action on the representations of the petitioner. Since there was no action taken, the petitioner has again made a representation, dated 30.08.2021 to the respondents 1 to 6 and finding no heed to it was paid, the petitioner has filed this Writ Petition.

3. The learned Government Pleader appearing for the respondents 1 to 6, on instructions, submitted that the petitioner's representation dated 30.08.2021 would be considered and appropriate action will be taken in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 30.08.2021, by conducting appropriate enquiry and pass appropriate orders, on merits and in accordance with law, after affording sufficient opportunity of hearing to all the parties concerned. If the enquiry revealed any registration of fabricated documents, appropriate action shall be taken against all the persons concerned apart from taking criminal action against them. Further, if there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties concerned, the authorities concerned shall take necessary action for removal of the same, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

(*)Corrected as per the order of this Court dated 24/11/2022 made in W.P(MD)No.16897 of 2021 and WMP(MD)13799 of 2021

Sd/-

Assistant Registrar (CS-I)

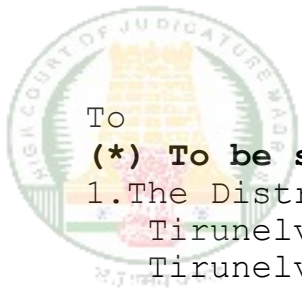
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/11/2022

Sub Assistant Registrar(CS)

ps

<https://www.mhc.tn.gov.in/judis>



To

(*) To be substituted to the order already despatched on 15/11/2022

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.

3.The Tahsildar,
Taluk Office,
Manur Taluk,
Manur.

4.The Inspector General of Registration,
Registration Department,
Chennai.

5.The District Registrar,
Tirunelveli Registration District,
Tirunelveli.

6.The Sub-Registrar,
Gangaikondan Sub-Registrar Office,
Gangaikondan.

+1 CC to M/s.SPL.GP (SR-58014[F] dated 28/11/2022)

W.P(MD)No.16897 of 2021

DATED : 27.10.2022

AMS(11.11.2022) 4P 8C

RD (07/12/2022) 4P 8C