



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22521 of 2022

and

W.M.P(MD)No.16708 of 2022

C.Muniammal

..Petitioner

Vs

1.The District Collector,
Collectorate,
Tirunelveli District,
Tirunelveli.

2.The District Registrar,
Cheranmahadevi,
Tirunelveli District.

3.The Sub-Registrar,
Kalakkadu Sub-Registration Office,
Kalakkadu,
Tirunelveli District.

4.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

5.Sivakami

6.N.Lakshmanan

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the fourth respondent to conduct fair enquiry on the Petitioner's representation, dated 13.09.2022 by giving a fair opportunity to produce all the relevant



documents and consequently direct the third respondent not to register any further document based on the fraudulent patta No.551 of Padalayaarkulam Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner :Mr.R.Narayanan

For Respondents:Mr.A.Kannan
1 and 4 Addl.Govt.Pleader

For Respodnents:Mr.S.R.A.Ramachandran
2 and 3 Addl.Govt.Pleader

For Respondent-5:Mr.V.Meenakshisundaram

For Respondent-6: Mr.K.Navaneetharaja

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the fourth respondent to conduct fair enquiry on the Petitioner's representation, dated 13.09.2022 by giving a fair opportunity to produce all the relevant documents and consequently direct the third respondent not to register any further document based on the fraudulent patta No.551 of Padalayaarkulam Village, Nanguneri Taluk, Tirunelveli District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that she is the descendant of

Sundaram Pillai, who purchased the property in S.No.413/1, measuring an



extent of 0.43.000 hectares situated in the above village by way of registered sale deed in Doc.No.3206/1918, on the file of Kalakkadu Sub-Registrar Office,Tirunelveli District.The patta for the land in Patta No.621 initially stand in the name of one Nellaiyappa Pillai and after his demise, it was transferred in the namer of Velammal, guardian-mother Santhanammal. The said Sundaram Pillai is the great grand-father and Nellaiyappa Pillai is the grand-father of the Petitioner and his wife is Santhanammal and their daughter is Velammal.The said Velammal has a daughter, the Petitioner herein, one son Muthu(brother) and they are the surviving legal heirs in title and possession of the above said property. As the Petitioner's ancestors are illiterates and residing out of the above said village, the respondents 5 and 6 tried to grab the said property by creating forged documents. The respondents 5 and 6 fraudulently obtained Patta No.561 in the name of Brammanayaga Pillai for the above said land claiming that he is their father, without any valid documents. Now the responents 5 and 6 are trying to sell the above said property to the third parties and some of the officials are also helping them to register the encumbrances without valid title documents.In the meanwhile, the Petitioner sent a representation to the respondents 2 and 3 requesting them not to register any documents at the instance of respondents 5 and 6 on the basis of the fraudulent patta No.551 pertaining to the said property and the same was also sent to DIG of Registration and Inspector General of Registration. The said representation was forwarded to the



third respondent who in-turn had issued a notice requiring the Petitioner to appear on 12.09.2022 before him and has given the explanation and for the reasons best known to him, he is taking steps to register the document presented by the respondents 5 and 6 after modifying the "0" valuation of guideline value of the above property. Further the Petitioner had also sent a representation to the Sub-Collector,Cheranmahadevi which was forwarded to the fourth respondent requesting to cancel the fraudulent patta in the name of Brammanayagam and enquiry is still pending before the fourth respondent.Further the power of attorney given by the fifth respondent is residing at Tirunelveli and sixth respondent is residing at Madurai, for the property situated in Tirunelveli District, which itself shows their malafide intention. Hence the Petitioner has filed this Writ Petition for the relief stated supra.

4.The Petitioner has filed this Writ Petition for the above said relief. The learned counsel appearing for the respondents 5 and 6 would submit that he presented the document for registration and the same was returned by the Sub-Registrar concerned on 27.09.2022 with a check slip, against which,a statutory appeal before the District Registrar in Appeal No.4 of 2022 and the same is pending. He would further submit that the Petitioner's prayer for not to register the document has been indirectly been granted by the said authority.



5.The learned counsel appearing for the respondents 5 and 6 strongly denied all the averments in the Writ Petition and also the submissions made by the learned counsel for the Writ Petitioner in support of the said averments.

6.The learned counsel for the Petitioner would submit that even though the the said document has not been registered, the Petitioner was not put on notice, on the check slip and he is also not a party to the said proceedings. The learned counsel would further submit that the fourth respondent shall conduct a fair enquiry on his representation, dated 13.09.2022 and it would suffice if the representation is considered and orders being passed by the authorities concerned. The learned counsel would also submit that in this regard a suit in O.S.NO.184 of 2022 is pending before the District Munsif Court, Nanguneri, for disposal.

7.In view of the above submission, this Court, without going into the merits of the matter, directs the fourth respondent to consider the representation of the Petitioner, dated 13.09.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of four months from the date of receipt of a copy of this order.



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

15.11.2022

Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

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