



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	06.04.2022
DELIVERED ON	29.04.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CR.P.(MD)No.1640 of 2018

and

W.P.(MD)Nos.10026, 17604 & 20034 of 2021

C.M.P.(MD)No.7185 of 2018

and

W.M.P.(MD)Nos.7743, 14505, 16728, 16730 & 16732 of 2021

CR.P.(MD)No.1640 of 2018

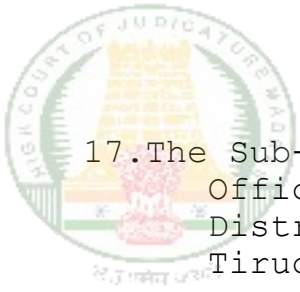
Dr.U.Sivakumar ... Petitioner/8th Defendant
vs.

1.P.A.K.T.Educational Trust,
Rep. by its trustees,
i.PR.Sathiamoorthy
ii.S.Geethanjali

2.M.Venkatachalam
3.N.Gandhi
4.Mookkaayee
5.L.Elanjiyam
6.Kalarani
7.Amutha @ Amuthavalli
8.Prakash
9.S.Latha @ S.Vijaya Latha
10.C.Raj
11.Lakshmi
12.Kalpana
13.Kavitha
14.State of Tamilnadu,
Rep. by its District Collector,
Tiruchirappalli,
Office at Collectorates Compound,
Collectors Office Road,Tiruchirappalli.

15.Tashildar,
Tiruchirappalli (west),
Office at Taluk Office,
Bharathidasan Salai, Cantonment, Trichy - 1.

16.The Revenue Divisional Officer,
Tiruchirappalli,
Office at Collectorates Compound,
Collectors Office Road,
Tiruchirappalli.



17.The Sub-Registrar Joint No.1,
Office at District Registrars Office,
District Court Compound,
Tiruchirappalli.

18.The District Registrar,
Office at District Registrars Office,
District Court Compound,
Tiruchirappalli.

... R-3 to R-18/
Defendant-1 to 7 & 9 to 17

[R-3 to R-18 are not contesting parties, hence notice of them may be dispensed with]

W.P. (MD)No.10026 of 2021

Dr.U.Sivakumar ... Petitioner

vs.

1.The District Revenue Officer,
Tiruchirapalli, Tiruchy.

2.The Revenue Divisional Officer,
Tiruchirapalli, Tiruchy.

3.Arumugam

4.PAKT Educational Trust,
Represented by trustees,
i.PR.Sathiamoorthy
ii.S.Geethanjali

5.M.Venkatachalam
(PAKT Educational Trust-Trustee)

6.Selvi

7.Gandhi

8.Ilanjiyam

9.Mookkayee

10.Amuthavalli

... Respondents

W.P. (MD)No.17604 of 2021

R.Selvi ... Petitioner

vs.

1.The District Registrar/
Assistant Inspector of General
of Registration,
Registration Department,
Trichy District.



2.The Sub Registrar-I,
Registration Department,
Trichy District.

3.The Sub-Registrar-II,
Registration Department,
Trichy District.

4.Dr.U.Sivakumar ... Respondents

W.P. (MD)No.20034 of 2021

PR.Sathiyamoorthy ... Petitioner

vs.

1.The Deputy Inspector General of Registration,
Office of D.I.G. of Registration,
Mannarpuram,
Trichy - 20,
Trichy District.

2.The District Registrar,
District Registrar Office,
District Court Campus,
Trichy - 1,
Trichy District.

3.Dr.U.Sivakumar

4.Elanchiyam

5. Amuthavalli alias Amutha

6.Mookkayee

7.Kala alias Kalarani

8.C.Raj

9.R.Selvi

10.Ramya

11.Venkatachalam

12.Arumugam ... Respondents

PRAYER in C.R.P. (MD)No.1640 of 2018: Civil Revision Petition under Article 227 of the Constitution of India, to strike off the Plaint in O.S.No.4 of 2018 on the file of the District Court, Tiruchirapalli, by allowing the Civil Revision Petition.

PRAYER in W.P. (MD)No.10026 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of a writ, call for the records of the impugned order in Na.Ka.No.A6/12104/2020 dated 06.05.2021 passed by the 1st respondent, quash the same and further direct the 1st



respondent to issue Patta in favour of the petitioner for 97 cents of land comprised in S.Nos.8/1 & 8/2 of Ko.Abhishekapuram Village, Trichy, thereby mutating the revenue records in favour of the petitioner.

PRAYER in W.P.(MD)No.17604 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ or order or direction in the nature of Writ of Certiorari calling for the records relating to the impugned order in proceedings in Mu.Nu.No:10304/A4/2020 dated 11.12.2020, consequential erratum order in proceedings in Mu.Mu.No:10304-1/A4/2020 dated 16.12.2020 issued by the 1st respondent and quash the same as illegal in so far as Doc.No.5961/2015 on the file of the 2nd respondent alone.

PRAYER in W.P.(MD)No.20034 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, order, or direction or any other writ in the nature of a Writ of Certiorari, calling for the records relating to 2nd respondent proceedings made in Mu.Mu.No.10304/Aa4/2020, dated 11.12.2020, quash the same.

C.R.P. (MD)No.1640 of 2018

For Petitioner	:Mr.M.V.Venkataseshan
For R-1	:Mr.Isaac Mohanlal, Senior Counsel for Mr.H.Thayumanaswamy
For R-10	:Mr.A.N.Ramanathan
For R-3 to R-9 and R-11 to R-18	:Dispensed with

W.P. (MD)No.10026 of 2021

For Petitioner	:Mr.M.V.Venkataseshan
For R1 & R2	:Mr.A.Kannan, Additional Government Pleader
For R-4 & R-5	:Mr.Isaac Mohanlal, Senior Counsel for Isaac Chambers
For R-6	:Mr.A.N.Ramanathan
For R-7	:Mr.S.Suresh
For R-3, 8 & 10	:No appearance
For R-9	:Died

W.P. (MD)No.17604 of 2021

For Petitioner	:Mr.A.N.Ramanathan
For R-1 to R-3	:Mr.A.Kannan, Additional Government Pleader
For R-4	:Mr.M.V.Venkataseshan



W.P. (MD)No.20034 of 2021

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For Petitioner	:Mr.R.Sundar
For R-3	:Mr.M.V.Venkataseshan
For R-1 & R-2	:Mr.A.Kannan, Additional Government Pleader
For R-9	:Mr.A.N.Ramanathan
R-4 to R-8	:No appearance
R-10 to R-12	
R6	: Died

COMMON ORDER

C.R.P. (MD)No.1640 of 2018 has been filed to strike off the Plaint in O.S.No.4 of 2018 on the file of the District Court, Tiruchirapalli.

W.P. (MD)No.10026 of 2021 has been filed to quash the impugned order in Na.Ka.No.A6/12104/2020 dated 06.05.2021 passed by the 1st respondent, and seeking further direction to the 1st respondent to issue Patta in favour of the petitioner for 97 cents of land comprised in S.Nos.8/1 & 8/2 of Ko.Abhishekapuram Village, Trichy, thereby mutating the revenue records in favour of the petitioner.

W.P. (MD)No.17604 of 2021 to quash the impugned order in proceedings in Mu.Nu.No:10304/A4/2020 dated 11.12.2020, consequential erratum order in proceedings in Mu.Mu.No:10304-1/A4/2020 dated 16.12.2020 issued by the 1st respondent and in so far as Doc.No.5961/2015 on the file of the 2nd respondent.

W.P. (MD)No.20034 of 2021 to quash the proceedings of the 2nd respondent made in Mu.Mu.No.10304/Aa4/2020, dated 11.12.2020.

2.The parties are referred to as per the rank mentioned before the Court below in Civil Revision Petition.

3.Now 8th defendant has filed this Civil Revision Petition to strike off the plaint that already the vendors of plaintiffs parted away the properties in favour of the wife of the Revision petitioner. The plaintiffs have claimed that they had purchased the property in the year of 1975 on the basis of an unregistered partition deed.

4.Further the revision petitioner/8th defendant has stated that it is clear abuse of process of law. The vendor has filed writ petition in the year 2013 suppressing the facts that he sold the property in the year 2008.



5.The sale to plaintiff's is hit by Sec.47 of Transfer of property Act.

6.The suit property in O.S.No.4 of 2018 is in S.Nos.8/1, 8/2 are related to the petitioner in W.P(MD).No.10026 of 2021.

7.The Petitioner/8th defendant in CRP.(MD)No.1640 of 2018 has filed writ petition in W.P.(MD)No.10026 of 2021 to call for records of the order in Na.Ka.No.A6/12104/20 dated 06.05.2021 passed by District Revenue officer and quash the same and direct the District Revenue Officer to issue Patta for 97cents in S.Nos. 8/1 & 8/2.

8.The District Revenue Officer in his order directed the writ petitioner to approach civil court to decide his rights in suit property.

9.One Selvi has filed a writ petition in W.P(MD).No.17604 of 2021 to quash the order passed by the District Registrar, Registration Department dated 11.12.2020 and consequential erratum order passed on 16.12.2020.

10.One Sathiyamoorthy has filed W.P(MD).No. 20034/2021 for the same prayer in WP(MD).No.17604 of 2021.

11.Joint Patta was issued by the Zonal Deputy Thasildar for revision petitioner along with one Arumugam and one Selvi (Writ petitioner in WP(MD).N.17604/2021) for S.Nos. 8/1 & 8/2. The Revision Petitioner has filed an appeal before the Revenue Divisional Officer on 25.04.2013, and the order of the Tahsildar was set aside and ordered to issue separate Patta in the name of the revision petitioner/D-8.

12.One of the previous Patta holder Arumugam has filed writ petition in W.P(MD).No.14397 of 2013 and the same was closed with the direction that since already appeal was filed and the same is pending between the parties and work out their remedy before the District Revenue Officer.

13.Against the same, the said Arumugam has filed an appeal in W.A.(MD).No.322 of 2014. The said Arumugam claimed right of 19.5cents in S.No. 8/1 & 8/2. the Writ appeal was allowed and set aside the order of RDO and remitted the matter to RDO for fresh consideration after giving opportunity to both the parties.

14.While passing order in Writ appeal this court has observed that if there is any dispute in title, the parties have to work out the remedy before the concerned Civil Forum.

15.One PAK Educational Trust has filed a suit in O.S.No.4 of 2018 against the petitioner and they had stated in the plaint that they have



purchased property from one of the joint family members on the basis of deed of family arrangement.

16.The revision petitioner/D-8 has also stated that he purchased 97cents in S.Nos.8/1 & 8/2 from one Gandhi.

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17.All the properties are admittedly a property of a joint family. A partition of property was stated to be purchased by plaintiff in O.S.No. 4 of 2018. The revision petitioner has also stated to be from one of the person in the joint family. So, who purchased the property from the real title holder can be decided in the partition suit only after full trial.

18.The revision petitioner has also filed the suit in O.S.No.260 of 2018 before the learned Principal District Munsif, Trichy, for permanent injunction and the same is also pending.

19.So, only after the disposal of partition suit, the title of property can be decided. The suit in O.S.No.260 of 2018 is also to be tried along with the suit in O.S.No. 4 of 2018.

20.As per the decision in Writ appeal the Revenue Divisional Officer took up the matter and directed the parties to work out their remedy in civil court. Unfortunately both parties have not filed any declaration suit.

21.The respondents in Civil Revision Petition has stated that already as per the partition deed the family members have partitioned the properties. Even though the partition deed is unregistered one, it is acted upon by the vendor of the Civil Revision Petitioner/D-8. So, all the issues can be decided only before the Civil forum. The District Registrar cannot declare the registered sale deed as invalid. Only the Civil Court can decide the matter.

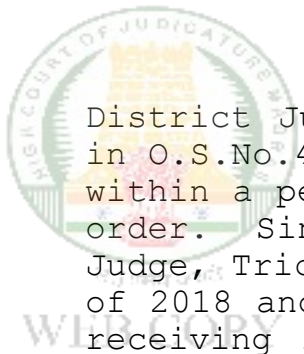
22.Since the dispute regarding title between the parties pending before the Civil Forum in O.S.No. 4 of 2018, the parties should proceed the suit and decide their rights only after deciding the rights of parties, Patta can be issued to the real owners.

23.So, the issues involved in WP.(MD).NO.10026 of 2021 is to be decided by the Civil Forum that Whether the unregistered partition deed can be looked into for collateral purpose and Whether the partition deed has been acted upon by the vendor of both parties.

24.The title is in dispute and the parties are decide to work out their remedy before the Civil Forum.

25.Accordingly,

<https://hcservices.ecourts.gov.in/hcservices/> (ii) **CR.P(MD)No.1640 of 2018** is dismissed. The learned



District Judge, Trichy, is directed to transmit the entire records in O.S.No.4 of 2018 to the file of the learned Mahila Judge, Trichy, within a period of 15-days from the date of receipt of copy of the order. Since the matter is pending from 2018, the learned Mahila Judge, Trichy, is directed to try along with the suit in O.S.No. 260 of 2018 and dispose the matter within a period of six months, after receiving records. Patta has to be restored prior to passing an order of joint Patta till the disposal of the said suits.

(ii).W.P(MD)No.10026 of 2021 is dismissed.

(iii).W.P(MD)No.17604 of 2021 is allowed and quashed the impugned order in proceedings, dated 11.12.2020 in Mu.Nu.No.10304/A4/2020, consequential erratum order in proceedings in Mu.Mu.No:10304-1/A4/2020 dated 16.12.2020 issued by the 1st respondent and Doc.No.5961 of 2015 on the file of the 2nd respondent.

(iv).W.P.(MD)No.20034 of 2021 is allowed and quashed the proceedings made in Mu.Mu.No.10304/Aa4/2020, dated 11.12.2020.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ksa

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To:

1. The District Judge,
Trichy.
- 2.The Mahila Judge,
Trichy.
- 3.The Principal District Munsif, Trichy.
- 4.The District Registrar/
Assistant Inspector of General
of Registration,
Registration Department,
Trichy District.



5.The Sub Registrar-I,
Registration Department,
Trichy District.

6.The Sub-Registrar-II,
Registration Department,
Trichy District.

7.The Deputy Inspector General of Registration,
Office of D.I.G. of Registration,
Mannarpuram,
Trichy - 20,
Trichy District.

8.The District Registrar,
District Registrar Office,
District Court Campus,
Trichy - 1,
Trichy District.

+3 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-**22653**[F] dated 29/04/2022).

+1 CC to M/s.R.SURESH, Advocate (SR-**22654**[F] dated 29/04/2022).

+2 CC to M/s.H.THAYUMANASWAMY, Advocate (SR-**22676**,SR-22888[F] dated 29/04/2022).

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-**22889**[F] dated 29/04/2022).

+1 CC to M/s.SPL.GP (SR-**23419**[F] dated 04/05/2022).

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-**22510**[F] dated 29/04/2022).

+1 CC to M/s.H.THAYUMANASWAMY, Advocate (SR-**22888**[F] dated 29/04/2022).

+1 CC to M/s.R. SUNDAR, Advocate (SR-22492[F] dated 29/04/2022).

CR.P. (MD)No.1640 of 2018 and
W.P. (MD)Nos.10026,
17604 & 20034 of 2021
29.04.2022

RD(18.05.2022) 9P 20C