



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Wednesday, the Third day of August Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

WMP(MD) . No.19148 of 2021

IN

WP(MD)11963 OF 2012

Rajkumar V ... Petitioner/6th Respondent

Vs

1 G.Rajagopal ... 1st Respondent/Petitioner

2 The Secy. to Govt.,
State of Tamil Nadu Home (Courts IIA) Dept.,
Secretariat, Fort.St.George, Chennai.

3 The District Revenue Officer,
Thoothukudi District, Thoothukudi.

4 The Sub Registrar,
Kovilpatti,Tuticorin District

5 S.Chellachamy

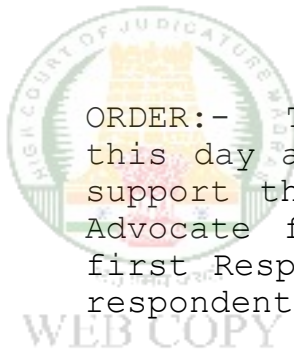
6 A.Ethiraj ... Respondent 2 TO 6/Respondent 1 to 5

Prayer in WMP(MD)19148 OF 2021 :-

This Writ Miscellaneous petition filed under Article 226 of the Constitution of India, to recall the order passed in W.P.(MD) No.11963 of 2012 dated 17.01.2013 for the interest of justice and pass such other further orders as this Hon'ble Court may deem fit and proper in this circumstances of this case and thus render justice.

Prayer in WP(MD)11963 OF 2012 :

This Writ Petition filed under Article 226 of the Constitution of India, to call for the records pertaining to the Governement order passed by the I st Pespondent in GO.MS No.1050 dated 08.11.2002 and quash the same as illegal and consequently direct the 3rd respondent to register and release the sale Deed in Document No.P-280 dated 29/08/1996 regarding the property in survey No.490/1.



ORDER:- This Writ Miscellaneous petition coming on for consideration on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Pandiyaraj, Advocate for the Petitioner and of Mr.C.M.Arumugam, Advocate for first Respondent and Mr. P.Thambidurai, Government Advocate for the respondent 2 and 4, this Court made the following order:

This petition has been filed seeking to recall the order passed by this Court on 17.01.2013 in W.P(MD).No.11963 of 2012.

2.The above said writ petition was filed by one Rajagopal contending that he and his family members were implicated in a criminal case arising under the Tamil Nadu Protection of Interest of Depositors Act, 1997 (hereinafter referred to as 'TANPID Act'). One Venkadasamy has executed a registered sale deed in favour of the writ petitioner in Doc.No.P.280, dated 29.08.1996. The said document has not been registered by the registration authority on the ground that the property has been attached in the TANPID proceeding by the first respondent in the writ petition.

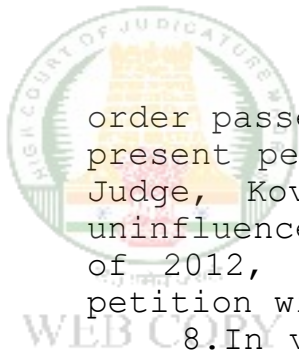
3.When the matter came up for hearing, this Court, after hearing the official respondent, came to a conclusion that the Government Order under which the order of attachment was effected, was set aside on the ground that the entire amount has been settled. Thereafter, this Court proceeded to pass an order directing the authorities to complete the formality of registration and hand over the document to the writ petitioner.

4.The present application has been filed by the son of vendor of the writ petitioner. According to the petitioner in W.M.P(MD). No.19148 of 2021, his father Venkadasamy is not an absolute owner of the property and he is also one of the sharers. The petitioner has further stated that he has filed O.S.No.17 of 2005 on the file of the Sub Court, Kovilpatti in Thoothukudi District for partition claiming 1/5th share in many properties including the property in dispute. In the said suit, the writ petitioner is also one of the party. The said fact has been suppressed by the writ petitioner and he has proceeded to file the present writ petition and obtained order of releasing the document. Hence, he wants to recall the order passed by this Court.

5.I have perused the affidavit filed in support of the recall application.

6.According to the petitioner, the order passed in W.P(MD). No.11963 of 2012 will affect his rights in the partition suit pending in O.S.No.17 of 2005.

7.The writ petition has been filed challenging an action taken on the part of the State as against the properties of the writ petitioner in order to disburse the amount to the depositors. Any



order passed in the writ petition shall not affect the right of the present petitioner in the partition suit. The learned Subordinate Judge, Kovilpatti, is directed to dispose of O.S.No.17 of 2005 uninfluenced by the order passed by this Court in W.P(MD).No.11963 of 2012, dated 17.01.2013. Any order passed in the said writ petition will not affect the alleged share of the petitioner herein. 8. In view of the aforesaid observations, there is no necessity to recall the order passed by this Court in W.P(MD).No.11963 of 2012, dated 17.01.2013. Hence, the Writ Miscellaneous Petition stands closed.

Sd/-

Assistant Registrar (CS I)

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/08/2022

Sub Assistant Registrar(CS)

TO

1. The Secretary to the Government,
State of Tamil Nadu,
Home (Courts IIA) Dept.
Secretariat, Fort.St.George Chennai
2. The District Revenue Officer,
Thoothukudi District, Thoothukudi.
3. The Sub Registrar,
Kovilpatti, Tuticorin District.

Copy to:

The Subordinate Judge,
Kovilpatti.

ORDER DATED : 03/08/2022

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ORDER

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WMP(MD) . No.19148 of 2021

IN

WP(MD)11963 OF 2012

Giving direction and etc.
as stated within.

SS/12/08/2022/ 3P 5C