



W.P.(MD)No.25564 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.25564 of 2022

K.Balu

... Petitioner

Vs.

1.The District Registrar,
Tiruchirappalli Registration District,
Trichy.

2.The Sub-Registrar,
Thiruverumbur Sub Registrar Office,
Trichy District.

3.R.Uthayaranjini

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to conduct an enquiry and pass final orders, in view of the representation dated 21.10.2022 within the stipulated period which this Court may deem fit and proper.

For Petitioner : Mr.M.Jothi Basu
For R1 and R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the first respondent to conduct an enquiry and pass final orders based on the representation dated 21.10.2022.



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2.The property in Survey No.171/6(new no.279/28) at Thiruverumbur Village and Taluk, Tiruchirappalli District was assigned by the Adidravidar/Tribal Welfare and Land Acquisition Tahsildar, Tiruchi in the year 1982. The petitioner's father was in possession and enjoyment of the said property. After his demise, the petitioner is in possession and enjoyment of the property. Patta also stands in his name. While so, one Thangaiah and the third respondent herein is disturbing the said peaceful possession based on the sale deed dated 09.09.1985.

3.The learned counsel for the petitioner submitted that property in question was assigned to the father of the petitioner by the Government. He has not sold the same to anyone. But, stating that the father of the petitioner had sold the property to him on 09.09.1985, one Thangaiah is creating trouble to the petitioner. The said Thangiah has also executed a sale deed in favour of the third respondent herein on 20.08.2014. The said sale deeds are void and *non est* in law. Hence, the petitioner has also filed a suit in O.S.No.921 of 2016 and the same was decreed in favour of the petitioner herein. Even thereafter, the encumbrance certificate of said property reflects the transactions of sale deed dated 09.09.1985 and 20.08.2014. Hence, the petitioner made an application before the official respondents requesting to cancel the said document. Since the said application is kept pending, the petitioner has filed



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the present writ petition.

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4.The learned Additional Government Pleader appearing for the official respondents submitted that the application of the petitioner is under enquiry and the same will be disposed of shortly.

5.Heard the learned counsel appearing on either side.

6. It is seen that the land was assigned to the father of the petitioner being a landless poor in the year 1982. One of the conditions for assigning such land is the assignee should not alienate the land for a period of 30 years. But violating the said condition, the same has been sold in favour of the third party by sale deeds. It is not known that how the said document is registered by the Registering Authority. The Registering Authority without looking into the rules in assigning the land to the petitioner, had registered the sale deeds in favour of the third party.

7. The petitioner contends that the patta still stands in his name and his father had not sold the property to anyone. This Court is not inclined to go into that aspect. From the records, it is seen that the sale is effected violating the condition of assignment. Hence, the Registration Authorities are hereby directed to look into the issue of violation of the assignment by registering sale



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deeds and pass appropriate orders on the same, within a period of 16 weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as the rival claimants, if any.

8.With the above direction, the Writ Petition stands disposed of. No costs.

10.11.2022

Index : Yes/No
Internet : Yes/No
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To

1.The District Registrar,
Tiruchirappalli Registration District,
Trichy.

2.The Sub-Registrar,
Thiruverumbur Sub Registrar Office,



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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10.11.2022