



W.P.No.30182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30182 of 2023

S.V.Nagi Reddy

... Petitioner

versus

1.The Sub-Registrar,
Thiruvalangadu,
Thiruthani Taluk,
Tiruvallur District.

2.Venkatesan

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus restraining the first respondent herein not to register any Document/Deed with regard to the petitioner's land in Survey No.14/7B, 0.5.00 ares, Puliankunta Village, Thiruthani Taluk, Tiruvallur District based on the petitioner's representation dated 05.03.2019.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.V.Veluchamy

Additional Government Pleader for R1



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ORDER

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Mr.V.Veluchamy, learned Additional Government Pleader takes notice for the first respondent. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed seeking for a mandamus to direct the first respondent herein not to register any Document/Deed with regard to the petitioner's land in Survey No.14/7B, 0.5.00 ares, Puliankunta Village, Thiruthani Taluk, Tiruvallur District based on the petitioner's representation dated 05.03.2019.

2. The case of the writ petitioner is that a land in Survey No.14/7B, 0.5.00 ares, Puliankunta Village, Thiruthani Taluk, Tiruvallur District was originally belonged to writ petitioner's family. In the year 1984, the lands in Survey No.14/7 were divided into Survey Nos.14/7A and 14/7B and after division, 0.05.0 acres at Survey No.14/7B belonged to the writ petitioner's father, UDR records also shows the same and from the year 1972, writ petitioner's father paid land tax to the Government to till date. Now the writ



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petitioner is in possession of the said land. One Mr.Venkatesan, the second respondent herein, who is adjacent land owner of Survey No.14/7A has fraudulently transferred the patta in his name from the writ petitioner's father on 20.06.2018. It is pertinent to note that the said Venkatesan is no way connected with the property in Survey No.14/7B, which absolutely belongs to the writ petitioner. On 17.12.2018, the writ petitioner verified the above said survey number through on-line but the writ petitioner's father's name was not shown. Hence, the writ petitioner approached the Village Administrative Officer and Tahsildar to make clarification in this regard. On 17.01.2018, the writ petitioner sent a representation to all the authorities concerned and on 21.01.2019, the writ petitioner sent a representation to the District Collector to cancel the patta transferred on 20.07.2018 and not to register any document / deed with regard to the aforementioned property in Survey No.14/7B. Pursuant to the representation dated 21.01.2019, the first respondent sent a notice dated 22.02.2019 to the writ petitioner calling him to appear within a week. Accordingly, the writ petitioner appeared before the first respondent on 05.03.2019 and made submissions. Subsequently, the writ petitioner filed a



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writ petition in W.P.No.24242 of 2019 seeking to cancel the patta issued to the second respondent and the same is pending before this Court. Another writ petitioner was filed by the writ petitioner in W.P.No.8206 of 2019 seeking for a direction not to register any document / deed with regard to the land in Survey No.14/7B, 0.5.00 ares, Puliankunta Village, Thiruthani Taluk, Tiruvallur District based on the petitioner's representation dated 05.03.2019 and the same came to be dismissed as withdrawn with liberty to file a fresh writ petition after impleading necessary parties, who are disputing the claim vide order dated 25.06.2019. Under this circumstances, the first respondent sent a notice dated 17.08.2023 bearing reference No.Na.Ka.No.198/2023 for an enquiry to be conducted on 01.09.2023 based on the representation dated 21.01.2019. Now, the grievance of the writ petitioner is that when the writ petitioner filed seeking for cancellation of patta is pending, the first respondent tried to make further registration of the aforementioned land. Hence, the writ petitioner is before this Court.

3. The learned counsel for writ petitioner submitted that from the year 1972 to till date, the petitioner's family is in possession of the said property



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and now the authorities has no power to transfer the patta illegally and fraudulently in the name of second respondent. Learned counsel also submitted that writ petitioner's father's name has been illegally removed from the Adangal Register also.

4. Learned Additional Government Pleader for first respondent submitted that the petitioner has not produced any documents to show that he is the owner of the property. However, the writ petitioner made a representation and the same is pending with the respondent and the petitioner has also filed a writ petition in W.P.No.24242 of 2019 seeking to cancel the patta issued to the second respondent and the same is also pending before this Court.

5. It is settled proposition of law that documents such as patta and adangal will not decide the title of the property. The adangal shows the entry of the person, who is cultivating the land. Under these circumstances, unless the petitioner establish his title over the said property, he cannot prevent the Registrar to registering any document relating to Survey



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No.14/7B.

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6. Accordingly, this Writ Petition is dismissed. However, the writ petitioner is at liberty to work out his remedy in the manner known to law.

There shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

The Sub-Registrar,
Thiruvalangadu,
Thiruthani Taluk,
Tiruvallur District.

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