



W.P.(MD)No.1795 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1795 of 2021

Udaiyan.V,

... Petitioner

Vs

1. The District Registrar (Administration)
Registration Department ,
Ramanathapuram District
Ramanathapuram..

2. The Assistant Director,
Tamilnadu Khadi Village Industries
Board, Madurai - 625010.

3. J.Rajapandiyan,,
S/o.Jacob, No.25, Thidal Street ,
Mudukulathur Down, Mudukulathur ,
Ramanathapuram District.

4. V.Subbaiya,
S/o.Velu , Melasirupothu Village ,
Mudukulathur Taluk,
Ramanathapuram District ..

5. The Secretary,
Gandhi Ninaivu Nithi , (Muthukulathur
Office) , Gandhi Museum Campus, Madurai – 625020.



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6.The District Collector,
Ramanathapuram.

... Respondents

(6th respondent is suo motu impleaded
as per the order of this court dated 11.10.2023)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to dispose the petitioners appeal dated 02/09/2020 filed on behalf of the Kaikuthal Arisi Thozil Kutturavu Sangam based on the circular of the I.G.of registration vide Circular no. 41530/U1/2017 dated 08/11/2017 and vide Circular No. 41530/U1/2017 dated 31/07/2018.

For Petitioner	:M/s.Raja Karthikeyan
For Respondents	:Mr.A.K.Manikkam for R1 & R6 Spl. Government Pleader Mr.R.Shankar Ganesh for R3 Mr.C.Gangaiamaran for R4 Mr.R.R.Kannan for R5 Mr.Raguvaran gopalan for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to dispose of the representation dated 02.09.2020 given by the petitioner, wherein the petitioner has sought for cancellation of the sale deed executed by the third respondent.



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2.The case of the petitioner is that he was a member of a defunct society named as Kaikuthal Arisi Thozil Cooperative Society. The subject property originally belonged to this society and after the society became defunct, the property was left uncared. According to the petitioner, the same was taken advantage of by the Secretary of the 5th respondent and he had executed a sale deed in favour of the third respondent. The patta was also issued in favour of the third respondent. This sale deed that was executed in favour of the third respondent was questioned. Apart from that this issue was brought to the notice of the second respondent and the 2nd respondent had also issued a communication to take appropriate action in accordance with law and to restore the property to its original position.

3. The document that was executed in favour of the third respondent came to be cancelled through another registered document in Document No.994/1999. As stated above, the second respondent had also issued a communication to the District Collector to cancel the patta that was issued in favour of the third respondent and restore to its original position.



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However, the patta was not cancelled and taking advantage of the same, the third respondent had sold the subject property in favour of the 4th respondent through a registered sale deed dated 05.12.2011 registered as Doc.No. 1624/2011.

4. The petitioner has made a representation to the first respondent to cancel the said document. Since the same was not considered, the present writ petition has been filed before this Court.

5. The learned counsel for the third respondent submitted that the petitioner does not have any locus-standi to agitate the dispute and on the earlier suits that were filed by the petitioner was also dismissed. Therefore, it was contended that the relief sought for by the petitioner cannot be granted by this Court.

6. It is not necessary for this Court to go into the *inter se* dispute between the petitioner and respondents 3 to 5. It will be pertinent to note the communication that was made by the second respondent dated



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27.01.2014 to the District Collector, Ramanathapuram. On going through this communication, it is seen that the subject property had originally belonged to Kaikuthal Arisi Thozil Cooperative society and this society became defunct. The property belonging to this society was not properly administered and hence, the property came to be dealt with by the 5th respondent and the sale deed was executed in favour of the third respondent on 09.12.1998 and the same was registered as Doc.No.924/1998. It is also stated in the communication that the said sale deed came to be cancelled through a registered document No.994/1999 on 23.09.1999. During the interregnum period, the third respondent had managed to get patta in his name. The second respondent, by reciting all these facts, had requested the District Collector, Ramanathapuram to cancel the patta that stands in the name of the third respondent and to restore the same to its original position.

7. The above communication made by the 2nd respondent gives a clear picture on the background of this case and it is seen that whatever case has now been projected by the petitioner in this writ petition is in line with the communication made by the 2nd respondent. In the absence of a title



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deed and just because the patta stood in the name of the third respondent, the third respondent has dealt with the subject property and had conveyed the same in favour of the fourth respondent. This document is now sought to be cancelled by virtue of the representation made by the petitioner and it is now pending on the file of the first respondent.

8. In the light of the above discussion, the first respondent has to necessarily conduct an enquiry by giving opportunity to the petitioner and respondents 3 and 4. Hence, it will be more appropriate to direct the first respondent to enquire and pass final orders within the time frame fixed by this Court.

9. This Court must also take into consideration the communication that was made by the 2nd respondent to the District Collector on 27.01.2014, wherein, the District Collector was requested to take action to cancel the patta granted in favour of the third respondent and to restore it to the original status.



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10. There seems to be no follow up on this communication made to the District Collector. Hence, the District Collector, Ramanathapuram, is suo motu impleaded as the 6th respondent in this writ petition and the learned Special Government Pleader is directed to take notice on behalf of the impleaded 6th respondent.

11. In the result, the present writ petition is disposed of in the following terms:

(a) there shall be a direction to the first respondent to deal with the representation dated 02.09.2020 by affording an opportunity to the petitioner herein and respondents 3 and 4 and orders shall be passed on its own merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order; and

(b) there shall be a direction to the impleaded 6th respondent to follow up with the communication made by the 2nd respondent dated 27.01.2014 and take a final decision after affording an opportunity to the third respondent. Necessary orders shall be passed by the concerned



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Tahsildar within a period of eight weeks from the date of receipt of a copy of this order. The impleaded 6th respondent shall ensure the compliance of this direction. No costs.

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NCC :Yes/No
Index :Yes/No
RR

To

1. The District Registrar (Administration),
Registration Department ,
Ramanathapuram District
Ramanathapuram..

2.The District Collector,
Ramanathapuram.



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N.ANAND VENKATESH, J.

RR

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