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W.P.(MD)NO.5591 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5591 of 2022 and
W.M.P.(MD)Nos.4523 & 10854 of 2022

Sathishkumar

... Petitioner

Vs.

1. The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.
2. The Director Registrar (Administration),
Tiruchirappalli.
3. The Sub Registrar,
Musiri, Tiruchirappalli District.
4. V.Subramanian
5. V.Thirumurthi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 05.01.2022 in Moo.Mu.No.10605/Aa4/2021 passed by the second respondent and quash the same.



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For Petitioner : Mr.J.Barathan,
for Mr.T.R.Jeyapalam.

For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-4 & R-5 : Mr.K.Govindarajan,
for Mr.R.Murali.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother Ms.Pushpa executed settlement deed dated 10.07.2013 in favour of the writ petitioner. Based on the same, the revenue record was also mutated in favour of the petitioner. Thereafter, the fourth respondent herein filed a petition before the Revenue Divisional Officer, Musiri. The Revenue Divisional Officer, Musiri, after hearing the petitioner as well as the fifth respondent and also the petitioner's mother, directed restoration of the names of the fourth respondent, one Rajagopal and the fifth respondent Thirumurthi in the revenue record in respect of the petition mentioned property.



3. I wanted to know if the order dated 23.05.2022 passed by the Revenue Divisional Officer, Musiri has been stayed or set aside. The petitioner's counsel is unable to make definitive statement in this regard. I therefore presume that the order dated 23.05.2022 passed by the Revenue Divisional Officer is still holding the field. What is now under challenge in the writ petition is the order passed by the second respondent. The second respondent by the impugned order had held that the settlement deed dated 10.07.2013 executed by the petitioner's mother Pushpa is a forged document; the third respondent has been directed to make an entry in this regard in the encumbrance register. The question that calls for consideration is whether the impugned order passed by the second respondent deserves to be interfered with.

4. The second respondent had gone by the fact that the fourth respondent is having an antecedent title deed of the year 1943. On the other hand, the petitioner's mother did not have any title in her favour. It appears that the father of the fourth respondent, namely Thiru.Venkatrama Iyer was shown as the pattadar. The name of the petitioner as pattadar was introduced only in the year 1990. The report of the



jurisdictional Tahsildar is that the proceedings whereby Pushpa's name was incorporated in the revenue record is not available. On the other hand, the name of the fourth respondent figured in the revenue record as son of Venkatrama Iyer. In these circumstances, the second respondent came to pass the impugned order. In my view, the impugned order cannot be interfered with. The only way the petitioner can overcome the same is by moving the jurisdictional civil Court and by establishing his title. If the petitioner succeeds before the jurisdictional civil Court, the same will of course be duly entered in the encumbrance register and there is no other way. Since there are too many factual aspects involved, it is not for this Court to go into the same by exercising writ jurisdiction. Giving liberty to the petitioner to prove his case before the jurisdictional civil Court, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.01.2023

Index : Yes / No

Internet : Yes/ No

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To:

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G.R.SWAMINATHAN,J.

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