



W.P.(MD) No.6909 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6909 of 2020

and

W.M.P(MD)No.6331 of 2020

A.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.L.Gowri

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Pa.Mu.P4-12856/2016, dated 20.05.2020 and quash the same.



W.P.(MD) No.6909 of 2020

For Petitioner : Mr.S.Mahesh Babu

For R1 to R3 : Mr.D.Gandhiraj
Special Government Pleader

For R4 : Mr.G.Prabhu Rajadurai
for Mr.V.S.Kumaraguru

ORDER

The petitioner has filed the above writ petition for issuance of a writ of certiorari to quash the impugned order passed by the second respondent in Pa.Mu.P4-12856/2016, dated 20.05.2020.

2.The petitioner would submit that he had purchased punja land measuring an extent of 3 acres 58 cents in Survey No.96/1C1 of Chokkanathapuram Village, Kallangudi Group, Karaikudi Taluk, Sivagangai District, under a registered sale deed dated 14.03.2012 from one Periyakarruppan. After the sale in his favour, the revenue records were mutated in his name and he has been enjoying the said property without any hindrance. The petitioner would further submit that he was totally in a dark about the civil suit filed by one L.Balasubramanian



W.P.(MD) No.6909 of 2020

through his power agent K.Rengarajan in O.S.No.176 of 2011 on the file of the Sub Court, Devakottai for declaration of title in respect of two survey numbers which included the petitioner's property, against three persons. The petitioner's vendor was one of them. Thereafter, the petitioner has been impleaded as a party to the proceedings and he is contesting the suit. Meanwhile, the fourth respondent had filed a patta transfer appeal before the second respondent in respect of eight surveys against eight persons and one of them being the petitioner. Summons were issued to the petitioner and others in the year 2016 and the petitioner had informed the second respondent that the civil suit was pending in respect of the said property and that the fourth respondent could implead herself in the proceedings.

3. The petitioner would further submit that the fourth respondent had filed impleading petition in IA No.659 of 2018 and the same was dismissed on 03.11.2018, against which, there was no appeal. Meanwhile, the suit in O.S.No.176 of 2011 was decreed in favour of the plaintiff, against which, the first appeal in A.S.No.35 of 2019 has been



filed by the petitioner herein on the file of the First Additional District Court, Sivagangai. At this juncture, the impugned order came to be passed by the second respondent in and by which the second respondent had cancelled the UDR patta granted to various persons including the petitioner and restoring the name of L.Gowri.

4. The fourth respondent, in her favour the patta had been granted, has filed a counter, in which, she has stated as follows:-

5.I submit that in the execution proceeding before the Sub Court, Devakottai in E.P.137/1961 in O.S.198/1950 that the property belonged to the Arunachamal Chettiar in S.No.96/1,3,4 and 5 and another property bearing S.No. 145/1 were sold through the Court auction in favour of V.S.N.Swamy, S/o.Sathanatham and sale Certificate also issued in favour of the said V.S.N.Swamy and he was in possession and enjoyment of the same. V.S.N.Swamy sole the entire property through the registered sale deed dated 23.08.1986 registered as document No.481/1986 and 337/1986 dated 23.05.1986 to the "Sakthi Vinayagar Real Estate" which is the partnership firm. On 13.07.1988 by Document No.432/1988 one AR.Ramanathan purchased a part of the property 9.27 acres in S.No.145/1 from



W.P.(MD) No.6909 of 2020

Sakthivinayagar Real Estate. I have purchased the entire property from the said “Sakthi Vinagayar Read Estate” in S.No.96/1, 96/3, 96/4, 96/5 through the registered sale deed dated 07.06.2011 registered as document No.1284/2011. From the date of purchase I am in the possession and enjoyment of the property in question.

That apart, it is also her case that fraud has been played inasmuch as the property, which comes within the jurisdiction of the Joint Sub Registrar No.I, Karaikudi, has been registered with the Joint Sub Registrar No.II, Karaikudi, which would clearly show that the fraudulent intent of the petitioner. The vendor of the petitioner has no right over the property in question and consequently, the sale in favour of the petitioner does not convey any right to him.

5. Considering the fact that the second respondent has taken into account the orders passed by the civil Court, which has not been challenged by the petitioner, I see no reason to interfere with the orders passed by the second respondent and it is also not known as to how the petitioner claims to have done a due diligence, who had been able to take note of the earlier registered documents, under which, the fourth



W.P.(MD) No.6909 of 2020

WEB COPY

respondent claims right to the property. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

cp

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.



WEB COPY



W.P.(MD) No.6909 of 2020

P.T.ASHA, J.

cp

W.P.(MD) No.6909 of 2020

Dated: 20.03.2023