



W.P(MD)No.8313 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8313 of 2022

and

W.M.P(MD)Nos.6179 & 17655 of 2022

A.P.James

... Petitioner

Vs.

1.The District Registrar,
Sivagangai District,
Sivagangai.

2.The Sub Registrar,
Thirupuvanam,
Sivagangai District.

3.Senthilkumar

4.Ganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order in Moo.Mu.No.1438/E1/2020 dated 06.05.2021 on the file of the first respondent and quash the same.



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For Petitioner : Mr.G.PRabhurajadurai
For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 & R.2
Mr.R.Sundar Srinivasan for R.3

ORDER

Heard both sides in full.

2. The petitioner had purchased 39 cents of land from the fourth respondent on 22.07.2020. On the next date, the third respondent lodged a complaint before the first respondent that the transaction executed in favour of the writ petitioner's vendor, namely, the fourth respondent is vitiated by fraud. The first respondent found merit in the third respondent's complaint and passed the impugned order dated 06.05.2021. I do not want to go into the other contentious aspects. The impugned order is set aside only on the short ground that the petitioner was not made a party. When the first respondent was conducting an enquiry, the writ petitioner's rights have already come on record. He had purchased 38 cents of land from the fourth respondent. He was also issued with patta. Therefore, passing the order behind the petitioner's back is not in order.



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3. The matter is remitted to the file of the first respondent. The first respondent will hold the enquiry on **15.12.2023 at 03.00 p.m.** The petitioner will not receive any further notice. The fourth respondent has not filed the writ petition challenging the impugned order. Thiru.John Kennedy has also not come before this Court. Therefore, the impugned order is set aside only in respect of 39 cents of land purchased by the petitioner on 22.03.2020. The first respondent will enquire the petitioner and the third respondent and pass a fresh order in respect of the document executed in favour of the writ petitioner by the fourth respondent. This shall be done by the first respondent within a period of six weeks after holding enquiry.

4. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Registrar,
Sivagangai District,
Sivagangai.
- 2.The Sub Registrar,
Thirupuvanam,
Sivagangai District.

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