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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19515 of 2021

and

W.M.P.(MD)Nos. 16234 of 2021 and 279 of 2022

Muthurathinavel

... Petitioner

vs.

- 1.The District Registrar,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub-Registrar,
Sayalkudi, Kadaladi Taluk,
Ramanathapuram District.
- 3.Kandasamy
- 4.Thangamurugan
- 5.Thangaivel



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6.Manikandan

7.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

(R7 is Suo-Motu impleaded vide court order dated 09.08.2023 in W.P.(MD).No. 19515 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from entertaining any sale deed from any one including the respondents 3 to 6 or power of attorney to alienating the property in respect of the property in Survey No. 315/3A2 and 315/3A3 in Patta No.11709, Sayalkudi, Revenue Firka, Kadaladi Taluk, Ramanathapuram District till to conclude the enquiry pending before the 1st respondent.

For Petitioner : Mr.K.C.Ramalingam

For R-1 & R-2 : Mr.A.K.Manikkam,
Special Government Pleader

For R-3 to R-6 : Mr.S.I.Muthiah
For Mr.Vijayarajan



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ORDER

This Writ Petition is filed for writ of Mandamus, forbearing the respondents 1 and 2 from entertaining any sale deed from any one including the respondents 3 to 6 or power of attorney to alienating the property in respect of the property in Survey No.315/3A2 and 315/3A3 in Patta No.11709, Sayalkudi, Revenue Firka, Kadaladi Taluk, Ramanathapuram District till to conclude the enquiry pending before the 1st respondent.

2. The contention of the petitioner is that the petitioner's mother had purchased the property from one Kovilpillai for a sale consideration of Rs.2,000/- (Rupees Two Thousand) and the same was registered as Document No.796/1969 on 17.06.1969. In pursuant to the above sale deed, Patta has been issued in the name of petitioner's mother as Patta No.11709. After the death of the petitioner's mother, Patta has been transferred in the name of the petitioner and he is in possession and enjoyment of the property. The further contention of the petitioner is that the third respondent fraudulently executed settlement deed in favour of the



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respondents 4 to 6. Actually, the property in Survey Nos. 315/A2 and 315/A3 belongs to the petitioner. But, the third respondent has stated in the settlement deed that he purchased the property admeasuring 0.750 acres and 0.12.50 acres. The said settlement deed executed by the third respondent is illegal and fraudulent. After knowing the fraudulent document, the petitioner approached the second respondent and requested not to entertain any sale deed from anyone in respect of the property in Survey Nos. 315/3A2 & 315/3A3. The petitioner further submitted that the petitioner's land was encroached by the third respondent.

3. The learned Counsel appearing for the third respondent submitted that he has purchased the land in question through four sale deeds, dated 25.07.2021. The learned Counsel also brought to the knowledge of this Court that the petitioner is claiming the land belonging to the fourth respondent as if oral sale deed was executed and the said oral conveyance cannot be accepted as per law.



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4. Therefore, in order to resolve the issue, this Court vide order, dated 09.08.2023, Suo-Motu impleaded the Tahsildar, Kadaladi Taluk, Ramanathapuram District and a specific direction was given to the Tahsildar, to survey the land, based on the sale deeds of the petitioner and the 3rd respondent and report the same before this Court.

5. When the matter was taken up for hearing on 28.08.2023, the learned Counsel for the third respondent submitted that the Tahsildar, Kadaladi, refused to survey the land based on the sale deeds, but insisted to survey based on the Patta only. By taking note of such submission, this Court vide order dated, 28.08.2023, was directed to Tahsildar to survey the disputed land based on the sale deeds, otherwise it is clearly contempt of court. Hence, in order to grant one more opportunity to the Tahsildar to obey the order of the court, again directed to survey the land based on sale deeds alone and report shall be submitted before this Court. This Court also directed the Tahsildar to appear before this Court. Based on the interim order dated, 28.08.2023, the Tahsildar has appeared before this Court today, i.e., on 01.09.2023. The presence of the Tahsildar is recorded and the Tahsildar has filed a report.



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6. In the report, it has been categorically stated that during UDR survey the lands were wrongly included in the petitioner's Patta. It has been categorically stated that the disputed land belongs to the third respondent alone as per the sale deeds. The petitioner has no right to claim the said land.

7. Moreover the petitioner is claiming right through oral sale deeds, therefore this Court is of the considered opinion that the claim of the petitioner cannot be accepted since it is illegal and against the provisions of law. Hence, this Writ Petition is bereft of any legal grounds.

8. At the time of Admission, this Court has granted interim injunction not to deal with the property. Since this Court has passed final order and has held that the claim of the petitioner is illegal and hence the petitioner is not entitled to any relief, the interim injunction is vacated. Therefore, W.M.P.(MD)No.279 of 2022 is dismissed.



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9. For the reasons stated supra the writ petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.(MD).No. 16234 of 2021 is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Tmg

01.09.2023

To

- 1.The District Registrar,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub-Registrar,
Sayalkudi, Kadaladi Taluk,
Ramanathapuram District.
- 3.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.



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S.SRIMATHY, J

Sml/Tmg

W.P.(MD)No.19515 of 2021

01.09.2023