



W.P.(MD)No.19568 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19568 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

P.Jeganathan

... Petitioner

versus

1. The Director of Backward Class,
Backward Class Welfare Department,
Annexure 2nd floor, Ezhilagam,
Chennai – 600 005.
2. The District Collector,
Dindigul District,
Dindigul.
3. The District Welfare Officer,
Backward Class Welfare Department,
Dindigul.
4. The Special Tashildar,
Adi Dharvidar Welfare Department,
Dindigul.



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5. M.Marriammal,
W/o.Rathinam
Special Tahsildar,
Adi Dharvidar Welfare Department,
Dindigul.

6. The Sub Registrar,
Sathirapatti Sub Registrar Office,
Ottanchithiram Taluk,
Dindigul District.

7. The Inspector General of Registration,
Santhome High Road,
Mandavalli, Chennai.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 6th respondent herein relating to the impugned document No.321 of 2011 i.e. sale deed dated 24.02.2011 and quash the same and direct the respondents to take appropriate penal action against the 5th respondent.

For Petitioner : Mr.N.K.Ponraj

For R1 to R6 : Mr.S.Shaji Bino,
Special Government Pleader



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ORDER

This writ petition is filed to quash a sale deed executed in document No.321 of 2011 dated 24.02.2011.

2. According to the petitioner, the property in Survey No.118/2 to an extent of 1.75 hectare situated at Poduvarpatti Village, Kongapatti Post, Ottanchithiram Taluk, Dindigul District, is an ancestral property. However, without the knowledge of the petitioner, his father one Periyasamy, before his death, has executed a deed in favour of the 5th respondent before the Sub Registrar Office, Palani, as Document No. 321/2011 dated 24.02.2011 bequeathing the property in favour of the Government for allotting house site for Adi Dravidar Welfare. Aggrieved over the same, the petitioner has filed this present writ petition.



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3. The petitioner cannot challenge the said document by way of a writ petition. If the petitioner wants to establish that the property is an ancestral property, he can file a suit before the appropriate Civil Court and can establish that the property in Survey No.118/2 to an extent of 1.75 hectare situated at Poduvarpatti Village, Kongapatti Post, Ottanchithiram Taluk, Dindigul District, is an ancestral property and he is also having right over the property.

4. The said document appears to be registered on 24.02.2011 and the Executant Periyasamy also died on 13.09.2011. The petitioner, instead of filing a Civil Suit, has filed this writ petition in the year 2014 and the same is pending before this Court for the past 8 years.

5. Therefore, this writ petition is disposed of by directing the petitioner to approach the appropriate Civil Court by filing a Civil Suit for declaration to declare the sale deed dated 24.02.2011 as null and void. On filing such suit, the concerned Civil Court shall exclude the



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period of litigation spent in this writ petition while calculating the limitation period and shall proceed with the same in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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