



W.P(MD)No.14247 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14247 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

P.Periyasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

3.M.Karuppa Thevar

4.K.Pappathiammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in her proceedings in Pathivedu 6 EN.RTR3962/2015 dated 31.07.2015 and quash the same as illegal.



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For Petitioner : Mr.M.Prabhu

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R2.
Mr.S.Parthasarathy for R4.
No appearance for R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the fourth respondent.

2.The petitioner had purchased the petition mentioned property from the third respondent. The third and fourth respondents are husband and wife. But they are living apart. They had jointly purchased the petition mentioned property. The third respondent got a release deed executed in his favour whereby the share of the fourth respondent was relinquished. According to the fourth respondent, she was not a party to the said deed of release but the third respondent got somebody to impersonate her. When the fourth respondent became aware of the same, she caused criminal case to be registered. In the meanwhile, the third respondent had sold the property in favour of the petitioner. The criminal



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prosecution is still pending. In the said criminal case, the third respondent herein, two attestors and the petitioner herein are figuring as accused. It is stated that the forensic opinion had categorically endorsed the allegation of forgery made by the fourth respondent. The fourth respondent had also filed a partition suit in O.S.No.6 of 2008 on the file of District Munsif Court, Aruppukottai. It is stated that arguments have already been advanced and that judgment is reserved. It is stated that in the civil suit also, an identical forensic opinion had been obtained.

3.The fourth respondent also lodged complaint before the District Registrar (Administration), Virudhunagar. Invoking Circular No.67 dated 03.11.2021, the District Registrar had set aside the sale made in favour of the petitioner. Based on the order passed by the District Registrar, the Revenue Divisional Officer, Aruppukottai cancelled the mutation of patta made in favour of the petitioner on the strength sale deed executed by Karuppa Thevar and restored the original position. The restoration of the original position by the impugned order is put to challenge in this writ petition.



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4.The learned counsel for the petitioner points out that since Circular No.67 dated 03.11.2021 has been withdrawn and the orders passed thereunder had also been directed to be recalled, the order of the District Registrar (Administration), Virudhunagar had also been subsequently recalled. Since the impugned mutation is based on the original order passed by the District Registrar (Administration), Virudhunagar, the impugned mutation also will have to go as a corollary.

5.In normal circumstances, I would have definitely endorsed the this stand of the petitioner herein. But here is a case where serious allegations of fraud and forgery have been made. The forensic opinion is standing in favour of the fourth respondent. The partition suit filed by the fourth respondent is also due for judgment. In these circumstances, this writ petition is disposed of by holding that the rights of the parties will abide by the outcome of the civil suit. No costs. Consequently, connected miscellaneous petitions are closed.

27.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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