



W.P.(MD)No.19851 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Gobi. R

... Petitioner

Vs

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

3.V.S.Chidambaranathan

... Respondents

(R3 is impleaded vide Court order dated 18.08.2023 in WMP(MD) No.16696 of 2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Mandamus, directing the Respondents to issue patta in favour of the petitioner on the basis of the registered sale deed in Document No.5301 of 2023 for the property situated in Pudukkottai District, Kulathur Taluk, Mandaiyur Village,



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Survey No.782/2 Punja land Hectare 1.26.0 on the basis of the petitioner's representation dated 24.07.2023 within time stipulated by this Court.

For Petitioner : Mr.G.Mathavan
For R1 & R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R3 : Mr.M.Sathiya Moorthy

ORDER

The petitioner claims that his mother one Ramayee has executed a Settlement Deed in his favour on 10.07.2023 vide Doc.No. 5301/2023 for the land in S.No.782/2 to an extent of 1.260 Hectares in Mandaiyur Village, Kulathur Taluk, Pudukottai District. The petitioner also claims that based on the above document, he has approached the revenue officials for issuance of patta and filed this writ petition for a Mandamus to direct the respondents to issue patta in favour of this petitioner.

2.On 28.08.2023, when this writ petition was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that forged documents have been



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submitted by the petitioner for change of patta and he sought some time to file a status report. Considering the submission of the learned Additional Government Pleader, this writ petition was ordered to be listed on 30.08.2023, for filing a status report.

3.Today(30.08.2023), when this writ petition is taken up for hearing, the learned Additional Government Pleader has filed a status report stating that the land in S.No.782/2 of Mandaiyur Village originally belongs to one Subramaniam and he died intestate on 27.06.1984. The legal heir namely, V.K.Vaiyapuri S/o V.Kandasamy Panankondar has sold the above property to one V.S.Chidambaranathan vide Doc.No.1508/1979. The petitioner and his mother, by creating a forged death certificate, legal heir certificate and a sale deed, approached the revenue officials for issuance of patta. On the complaint of the subsequent purchaser, V.S.Chidambaranathan, dated 05.08.2023, the documents have been verified and found that those documents are forged and fabricated. The relevant paragraphs



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from the Status report are extracted as under:-

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3.The writ petitioner has sought for a patta for the Document No.5301 of 2023, S.No.782/2, Punja land 1.26.0 hectares, Mandaiyur Village, which was originally belonged to one V.Subramanian vide Patta No.4174. The said V.Subramanian died intestate without marriage and his legal heirs namely, V.K.Vaiyapuri, S/o V.Kandasamy Panankondar vide Patta No.441 sold the property to V.S.Chidambarranathan vide Document No.1508/1979.

4. I further submits that a complaint was given by V.S.Chidambaranathan on 05.08.2023 to verify the genuineness of the Death and Legal Heir Certificate. Accordingly, on 14.08.2023 and 21.08.2023, the genuineness of respective death and legal heirship certificates were scrutinized by the concerned officials and it was found that the documents are forged and fabricated one.

5.I humbly submit that on the bare perusal of the forged documents, it could be easily inferred that the date of death of V.Subramanian is mentioned as 27.06.1984 in the death certificate issued by the Tahsildar and the date



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of death of V.Subramanian in the legal heir certificate is mentioned as 28.08.1994. I confirmed that the format used for the legal heir certificate by the writ petitioner is not used in the year 1984 and therefore, it is confirmed that based on fabricated documents, the writ petitioner and one Ramayee registered the settlement deed 5301/2023 on the file of the Sub Registrar, Kulathur on 10.07.2023”.

4.The said V.S.Chidambaranathan has filed an impleading petition in WMP(MD) No.16696 of 2023 to implead himself as a respondent in this writ petition. Considering the issue involved in this writ petition, the impleading petition was ordered on 18.08.2023. The learned counsel appearing for the said V.S.Chidambaranathan submits that the petitioner along with his mother has fabricated the death Certificate of one Subramanian and registered a settlement deed for the property in S.No.782/2, vide Document No.5301/2023 on the file of the Sub Registrar, Kulathur, Pudukottai District. He further submits that the mother of the writ petitioner has filed a suit in O.S.No.1 of 2020



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before the District Munsif Court, Keeranur for the relief of declaration and injunction for the very same property and subsequently, she withdrew the same on 14.10.2022.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner has sought for patta for the land in S.No. 782/2 to an extent of 1.260 Hectares in Mandaiyur Village, Kulathur Taluk, Pudukottai District based on a Settlement Deed in 5301/2023. It appears that based on some documents, the petitioner has sought for issuance of patta in his favour and also filed a writ petition before this Court seeking Mandamus, directing the respondents to issue patta in favour of the petitioner on the basis of the registered settlement deed, dated 10.07.2023. The subsequent purchaser of the above property has been impleaded as a party to this writ petition in order to verify the genuineness of the documents. The status report filed by the



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Thashildhar disclose that the settlement deed has been registered by the petitioner's mother in favour of the petitioner by fabricating the death certificate of one Subramanian. The petitioner has not rebutted this stand of official respondents and the contention of the third respondent. The suit filed by the petitioner's mother for the subject property was also withdrawn.

7.Since the petitioner has not approached this Court with clean hands, this writ petition is dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand only) and the petitioner is directed to pay the amount to "Kalaigiar Centenary Library, Madurai". No costs.

30.08.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

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B.PUGALENDHI, J.

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Order made in
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30.08.2023