



W.P.(MD)Nos.20842 and 20848 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.20842 and 20848 of 2021

Murugan

... Petitioner in both petitions

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi, Tenkasi District.

3.The Tahsildar,
Alangulam Taluk Office,
Alangulam,
Tenkasi District.

4.Chidambaram

5.Subramanian

6.Chellammal

7.Murugan

8.Sevugaperumal

9.Esakkimuthu

...Respondents in W.P.(MD)No.20842/2021

1.The District Collector,
Tenkasi District,
Tenkasi.



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2.The Sub Registrar,
Alangulam Sub Registrar Office,
Alangulam, Tenkasi District.

3.Chidambaram
4.Subramanian
5.Chellammal
6.Murugan
7.Sevugaperumal
8.Esakkimuthu

...Respondents in W.P.(MD)No.20848/2021

PRAYER in W.P.(MD)No.20842 of 2021 : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to conduct a proper Survey in Survey No. 102/13, Naranapuram Village, Alangulam Taluk, by issuing notice to all the parties concerned and to issue fresh Patta in the name of eligible persons, by considering the petitioner's representation dated 11.08.2021 within a time frame as fixed by this Court.

PRAYER in W.P.(MD)No.20848 of 2021 : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to cancel the fraudulent documents registered by the respondents 3 to 8 as Document Nos.10483/2011, 11194/2011, 1178/2012 and 2658/2012 on the file of 2nd respondent's office regarding the property, situated in Survey No.102/3, Naranapuram Village, Alangulam Taluk, Tenkasi District, by considering the petitioner's representation, dated 11.08.2021, within a time frame, as fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan
(in both petitions)



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In W.P.(MD)No.20842 of 2021

For R1 to R3 : Mr.A.K.Manikkam
Special Government Pleader
For R7 : Mr.M.P.Senthil
For R8 & R9 : Mr.N.Shyllappakalyan

In W.P.(MD)No.20848 of 2021

For R1 & R2 : Mr.A.K.Manikkam
Special Government Pleader
For R6 : Mr.M.P.Senthil
For R7 & R8 : Mr.N.Shyllappakalyan

COMMON ORDER

The issue involved in both the writ petitions are common and hence, these writ petitions are taken up together, heard and disposed of through this common order.

2.W.P.(MD)No.20842 of 2021 has been filed for a direction to the third respondent to conduct survey and issue fresh patta to all the eligible persons by considering the representation made by the petitioner dated 11.08.2021.

3.The same petitioner has filed W.P.(MD)No.26848 of 2021 for a direction to the District Registrar to cancel the documents executed by the



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respondents 3 to 8 and registered in the years 2011 and 2012 on the file of the second respondent by considering the representation made on 11.08.2021.

4.Heard the learned counsel for the petitioner, the learned Special Government Pleader for the official respondents and the learned counsel appearing on behalf of the respective private respondents.

5.The petitioner is claiming title through the registered sale deed dated 14.08.2020, wherein the petitioner had purchased an extent of 36 cents of property from one Jegan Suresh and this document was registered as document No.2818/2020 before the Sub Registrar, Alangulam. The petitioner claims that his name was also included in the joint patta registered in patta No.1025. The vendor of the petitioner had purchased the property from one Pappathi and Kamalaveni through a registered deed dated 17.06.2014. Hence, it is clear from the materials placed before this Court that both the petitioner as well as his vendor had come into scene only after the year 2014. The petitioner is now questioning the documents that were executed by the private respondents in the years 2011 and 2012.



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6. According to the petitioner, one Karuppayammal was the original owner of the property in Survey No.102/13 measuring an extent of 80 cents. It is stated that the said Karuppayammal died in the year 2008 leaving behind her son Chidambaram and her two daughters, namely Pappathi and Kamalaveni. According to the petitioner, the said Chidambaram had executed a sale deed, dated 02.12.2011 for an extent of 53 cents out of 80 cents in favour of one Subramanian. The petitioner alleges that the said Chidambaram had dealt with more than his share in the property. In turn, Subramanian had executed the sale deed dated 13.02.2012 in favour of one Murugan. That apart, the said Chidambaram had also executed a settlement deed dated 23.12.2011 in favour of his wife to an extent of 1 acre 6 cents. In view of the same, it is contended that Chidambaram had dealt with over and above the extent, to which the original owner Karuppayammal was entitled.

7. The petitioner, who came into the scene only in the year 2020, must be aware of the earlier transactions that had taken place in the year 2011 and 2012. Since all these are registered documents, the same would have been entered in the Encumbrance Certificate. The petitioner could have avoided purchasing the property. Instead, the petitioner proceeded to purchase the property measuring an extent of 36 cents. Thus, the petitioner took a calculated



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risk in purchasing the property. After having purchased the property, the petitioner has challenged the documents that were executed in the years 2011 and 2012 before the District Registrar.

8.The scope of enquiry before the District Registrar under Section 68(2) of the Registration Act will not cover the issue that has been raised by the petitioner in this case. The petitioner has virtually challenged the right and title of Chidambaram, who dealt with the subject property and that cannot be tested by the District Registrar. Therefore, the representation made by the petitioner before the District Registrar to cancel the documents, is unsustainable and consequently, no directions can be issued by this Court to the District Registrar to deal with the representation made by the petitioner. If the petitioner is so advised, the petitioner has to work out his remedy only before the competent civil Court.

9.Insofar as the relief sought for by the petitioner to conduct survey in the subject property in Survey No.102/13, the same is also unsustainable. The survey can be conducted by the Revenue Authorities only based on the title documents and admittedly, there are disputed title documents in this case. There are atleast four (4) documents of the years 2011 and 2012 and the



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documents of the years 2014 and 2020. Even as per the case of the petitioner, Chidambaram had dealt with the entire property and thereafter, two of the legal representatives of Karuppayammal have once again dealt with the property and sold an extent of 36 cents to Jegan Suresh, in turn, he has sold the same property to the petitioner.

10. In the light of such disputed documents, there is no scope for conducting any survey in this case. Therefore, the representation made by the petitioner before the Tashildar cannot be acted upon and no directions can be issued by this Court. At the risk of repetition, it is made clear that the petitioner has to workout his remedy only before the competent civil Court, if so advised and based on the result before the civil Court, the Revenue Authorities can be approached.

11. These writ petitions are disposed of with the above directions. No costs.

16.11.2023

NCC : Yes / No
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N.ANAND VENKATESH, J.

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To

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi, Tenkasi District.
- 3.The Tahsildar,
Alangulam Taluk Office,
Alangulam,
Tenkasi District.
- 4.The Sub Registrar,
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Alangulam, Tenkasi District.

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