



W.P.(MD)Nos.21634 and 21635 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.21634 & 21635 of 2021

W.P.(MD)No.21634 of 2021

Velu

... Petitioner

Vs.

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub-Registrar,
Uthumalai Sub- Registrar Office,
Uthumalai,
Tenkasi District.

3.Vallinayagam

4.Muthupandi

5.Vellathai

6.Shanmugathai

7.Balasubramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to cancel the forged sale deed executed by the respondents 3 to 6 in



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favour of the 7th respondent on 15/04/2021 as document No.836 of 2021 on the file of 2nd respondent's office by considering the petitioner's representation dated 16/08/2021.

For Petitioner	: Mr.P.Santhana Krishnan
For R-1 & R-2	: Mr.A.K.Manikkam, Special Government Pleader
For R-3 to R-7	: Mr.A.Mohamed Hashim

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Velu Vs. ... Petitioner

- 1.The District Registrar,
Tenkasi District, Tenkasi.
- 2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tenkasi District.
- 3.The Tahsildar,
Veerakeralampudhur Taluk Office,
Veerakeralampudhur,
Tenkasi District.
- 4.Vallinayagam
- 5.Muthupandi
- 6.Vellathai
- 7.Shanmugathai



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8.Balasubramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to conduct a proper survey in Survey No.250/4, North Kavalakurichi Village, Veerakeralampudhur Taluk, Tenkasi District, 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 26/08/2021 within a time frame as fixed by this Court..

For Petitioner : Mr.P.Santhana Krishnan

For R-1 to R-3 : Mr.A.K.Manikkam,
Special Government Pleader

For R-4 to R-8 : Mr.A.Mohamed Hashim

COMMON ORDER

The issue involved in both these Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. These Writ Petitions were filed for a direction to the District Registrar to cancel the forged sale deed executed in favour of the seventh / eighth respondent. The petitioner has also sought for a direction to the Tahsildar to conduct a proper survey in the subject property by considering the representation made by the petitioner on 26.08.2021.



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3. When the matter was taken up for hearing today, it was brought to the notice of this Court that the seventh / eighth respondent in both the writ petitions has filed a substantive suit in O.S.No.19 of 2023 seeking for the relief of declaration of title and for permanent injunction and for other consequential reliefs and this suit is pending before the Principal District Court, Tenkasi. In view of the same, the parties will have to necessarily work out their remedy only in the pending suit. No further orders can be passed by this Court in both these Writ Petitions. It will be left open to both the parties to raise all the grounds before the Civil Court and the same will be considered on its own merits and in accordance with law.

4. These Writ Petitions are disposed of accordingly, No costs.

21.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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To

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- 3.The Revenue Divisional Officer,
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N.ANAND VENKATESH, J.

tsg

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