



WEB COPY

W.P. No.501 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.501 of 2024

Murugathal

... Petitioner

Vs.

1. The Special Tahsildar (L.A.)
Adi-dravidar Welfare,
Coimbatore District Collectorate Complex
Coimbatore - 641 018
2. The Tahsildar
Madukkarai Taluk Office
Madukkarai,
Coimbatore - 641 105
3. Village Administrative Officer
Vellalur Village Administrative Officer Office
Vellalur
Coimbatore - 641 111
4. Palanisamy
5. Sudha
6. Perumal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 1st, 2nd and 3rd respondents not to



grant E-Patta to the 6th respondent until disposal of the petitioner's application, pending on the file of the District Registrar, Coimbatore Region based on the petitioner's representation dated 17.08.2023.

For Petitioner : Mr.S.Lakshmi Narayanan

For R1 to R3 : Ms.Akila Rajendran
Government Advocate

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the respondents 1 to 3 not to grant E-Patta to the 6th respondent until disposal of the petitioner's application, pending on the file of the District Registrar, Coimbatore Region, based on the petitioner's representation dated 17.08.2023.

2. The case of the petitioner is that on 31.03.1995 free Patta No.1344/1404 was issued to her by the 1st respondent for the vacant land in Plot No.133, situated at Natham Survey No.43/1, Vellalur Village, Madukkarai Taluk, Coimbatore District. At the time of issuance of Patta, the petitioner had married with the 4th respondent and out of wedlock, she got a girl child. Thereafter, due to misunderstanding, they separated and the



petitioner married to one Gopal and she was in possession and enjoyment of the said land. The 4th respondent also re-married. The original Patta of the said land was in the hands of the respondent. In the year 2022, the petitioner intended to construct a small house in the said land and when she obtained the Encumbrance Certificate, she came to know that a sale deed was executed by the 4th respondent in favour of the 5th respondent in Doc.No.5832/2008 dated 08.07.2008 registered at Singanallur Sub Registrar Office. The petitioner understands that the 4th respondent by stating that the petitioner died, has executed the document and the Sub Registrar also without even verifying the documents viz. death certificate and legal heir certificate, has registered document for the reasons best known to him. Subsequently, the 5th respondent has transferred the said land to the 6th respondent who is a local body member by virtue of sale deed dated 25.04.2022 in Doc. No.5255 of 2022. Immediately the petitioner filed an application dated 31.01.2022 to the District Registrar, Coimbatore Region for cancellation of those forged documents and the same was taken on file under Section 68(2) of the Registration Act and the same is at the enquiry stage. In the mean time, the 2nd respondent stated to upload all the manual Natham Patta to online and started issuing E-Patta to the localities in the Vellalur Village. The 6th



respondent who is the local body member and a man of muscle and influences is trying to transfer the E-Patta to his name. In this regard, the petitioner has given a representation dated 17.08.2023 to the respondents 1 to 3 requesting not to issue patta in the name of the 6th respondent and to issue patta in her name. Since, they have turned deaf ear to the request of the petitioner, the present writ petition is filed.

3. Ms.Akila Rajendran, learned Government Advocate takes notice for the respondents 1 to 3.

4. Since no adverse order is to be passed by this Court against the respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

5. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 17.08.2023 and issue notice to the petitioner and the private respondents 4 to 6 herein and also interested parties/rival claimants if



any, as the case may and conduct enquiry in the manner known to law and pass order on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

10.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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