



WEB COPY

W.P. No.4750 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4750 of 2024 and
W.M.P. Nos.5184 to 5186 of 2024

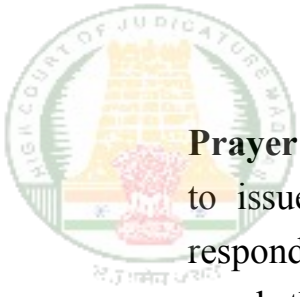
B.Venu

... Petitioner

Vs.

1. The District Collector
The District Collectorate Office
Villupuram District
2. The Assistant District Registrar
Assistant District Registrar Office
Cuddalore
3. The District Registrar (Admin)
District Registrar Office
Tindivaam
4. The Tahsildar
Vanur Taluk, Villupuram District
5. The Village Administrative Officer
Thiruvakkarai Post
Vanur Taluk, Villupuram District
6. K.Iyyappan

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records of 3rd respondent proceedings in Na.Ka.No.3930/Aa3/2022 dated 28.09.2022 and quash the same as illegal, arbitrary and non-est in laws and also forbear the 6th respondent from changing the Patta in their name situated in S.No.198/7, 8, 11, 14 and Old Survey No.300/4 to an total extent of 1.83 cents, at Thiruvakkarai Village and Post, Vanur Taluk, Villupuram District. .

For Petitioner : Mr.Abdul Kareem

For R1 to R5 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records of 3rd respondent proceedings in Na.Ka.No.3930/Aa3/2022 dated 28.09.2022 and quash the same as illegal, arbitrary and non-est in laws and also forbear the 6th respondent from changing the Patta in their name situated in S.No.198/7, 8, 11, 14 and Old Survey No.300/4 to an total extent of 1.83 cents, at Thiruvakkarai Village and Post, Vanur Taluk, Villupuram District.

2. The case of the petitioner is that the petitioner purchased the property situated in S.No.198/7, 8, 11, 14 and Old Survey No.300/4 to an total



extent of 1.83 cents, at Thiruvakkarai Village and Post, Vanur Taluk, Villupuram District, from one Pazhani through a registered Power of Attorney namely Dhanush vide Doc.No.5336/2022 on the file of SRO, Vanur.

The said property was earlier transferred to many hands. After purchasing of the property, the petitioner has been in possession and enjoyment of the property. While so, to the shock and surprise of the petitioner, the 6th respondent and their family members started disputing with the petitioner who is the current owner of the property. Therefore, the petitioner filed a suit for declaration in O.S.No.214 of 2022, on the file of the Sub Court, Tindivanam, against the 6th respondent and their family members and the said suit is in the stage of Issues. Pending suit, the 6th respondent has approached the 3rd respondent and cancelled the petitioner's Sale Deed dated 02.08.2022 in Doc.No.5336 of 2022 on 28.09.2022 vide Na.Ka.No.3930/Aa3/2022 and immediately registered a sale deed in favour of 6th respondent dated 09.09.2022 through Doc. No.7291 of 2022 for the afore mentioned schedule property. Hence, the said Dhanush, who was the power agent to the above said sale deed, sent a representation before the 2nd respondent to cancel the order



of the 3rd respondent and also send a representation to the 5th respondent.

Subsequently, enquiry was conducted by the 2nd respondent against the 3rd respondent. Now the 6th respondent is trying to survey the petitioner's land in order to mutate the Patta in their name which is highly illegal. Regarding the same, the petitioner has given a representation dated 29.01.2024 before the 1st and 4th respondents for restraining the 6th respondent from changing the Patta in their names. However, there is no response. Hence, the present Writ Petition is filed.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 to 5. Since no adverse order is being passed against the 6th respondent, notice to the 6th respondent is dispensed with.

4. It is seen that the petitioner has already exercised the appellate remedy and the same is pending before the 2nd respondent. However, due to the divergent views taken by the learned Single Judges of this Court regarding the enquiry under Section 77A of the Registration Act, one of the Benches of this Court has stayed the enquiry under Section 77A of the Registration Act.

Now, there is a reference before the Larger Bench of this Court to settle the



issue and the same is pending. Since the Larger Bench of this Court is seized of the matter, this Court is not inclined to give any direction to the official respondents

5. However, there is no bar for the petitioner to seek remedy before the Civil Court. Since the petitioner himself has stated that he has filed a suit for declaration in O.S.No.214 of 2022, on the file of the Sub Court, Tindivanam, against the 6th respondent and their family members, he can either work out his remedy before the Civil Court in the said suit or he can wait till the outcome of the decisions of the Larger Bench.

6. With the above observations, this Writ Petition is disposed of at the admission stage itself. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

27.02.2024

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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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