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W.P.No.26399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26399 of 2024

P.Velu

...Petitioner

Vs.

- 1.The District Collector
O/o.The District Collector
Chengalpattu, Chengalpattu District.
- 2.The Tahsildar
O/o The Thasildar
Cheyyur Taluk,
Chengalpattu District.
- 3.The Village Administrative Officer
O/o.the Village Administrative Officer
Chunambedu Village & Post
Cheyyur Taluk, Chengalpattu District 603 401.
- 4.The Revenue Inspector
Chunambedu Village
Cheyyur Taluk, Chengalpattu District.

5.Sudhakar

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the report of the second respondent in Na.Ka.No.3596/2022/A3 dated 02.01.2023 issued by the second respondent and quash the representation of the petitioner dated 12.04.2022 and consequently direct the second respondent herein to issue patta in the name of the legal heirs of the father of the petitioner late.Perumal.

For Petitioner : Mr.S.Madhusundanan

For Respondent : Mr.A.Selvendran for R1 to R4
Special Government Pleader

ORDER

Challenging the order passed by the second respondent rejecting the request of the petitioner to cancel the patta issued in the name of the fifth respondent and issue patta in the name of the petitioner, the petitioner has come by way of this Writ Petition.



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2. According to the petitioner, the subject property originally belonged to the petitioner's grand father Beema Gounder and the fifth respondent by using bogus patta got the settlement deed in his favour in the year 2021 from one Varadhan and got the patta in his name on the strength of the settlement deed. The petitioner submitted an application before the second respondent seeking cancellation of the patta issued in the name of the fifth respondent, since the settlement deed in favour of the fifth respondent was executed on the basis of bogus document.

3. A reading of the impugned order would suggest that the entire extent in the concerned survey number was sold by the petitioner's paternal uncle Kathavarayan in favour of Thaiyalnayagiammal and thereafter one Varadhan settled the property in favour of the fifth respondent under a settlement deed dated 22.10.2011. It is the case of the petitioner that the settlement deed was executed by Varadhan in favour of the fifth respondent by using bogus patta. The petitioner has not produced the registered document in his favour . He claims right over the property on the ground that his grand father was original owner of the same. The fifth respondent obtained patta based on the registered settlement deed dated 22.10.2011. The second respondent cannot go into the validity or otherwise of the registered document



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in favour of the fifth respondent.

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4. Even assuming, the allegations made by the petitioner are true, the second respondent has no power to the cancel the registered document in favour of he fifth respondent. The Sec.77-A of Registration Act which enabled registering Authority to cancel registered document on the ground of fraud was struck down by this Court in *M.Kathirvel Vs The Inspector General of Registration in W.P.Nos.10291 of 2022*. In such circumstances, the second respondent rightly relegated the petitioner to workout his remedy before the Civil Court. I do not want to interfere with the said order. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to workout his remedy before the Civil Court. No costs.

09.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

1.The District Collector
O/o.The District Collector



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Chengalpattu, Chengalpattu District.

2.The Tahsildar

O/o The Thasildar

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3.The Village Administrative Officer

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S.SOUNTHAR, J.
dna

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