



W.P.No.33101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33101 of 2024

S.Subbulakshmi

... Petitioner

Vs.

1.The District Collector
Coimbatore District, Coimbatore.

2.The Revenue Divisional Officer
Coimbatore North, Coimbatore.

3.The Tahsildhar
Coimbatore North, Coimbatore.

4.K.Papathi

5.P.Savithiri

6.K.Santhamani

7.B.Rangaraj

8.K.Sakunthalamani

9.L.Saithiri,

10.S.Subbulakshmi,

11.C.Kumar

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to conduct an enquiry on the petitioners representation dated 15.07.2024 in compliance of directions issued by the 1st respondent vide letter Ref. No. Ref.No.O.Mu. 2298132/ 2024/ E1, dated 12.08.2024 and cancel Chitta No.8478/2024 fraudulently issued by the 3rd respondent to the respondents 4 to 11 in respect of the lands comprised in SF No.633/2B and 633/3C situated in Bilichi Village, situated within the registration sub district of Periyanaikanpalayam, and registration district of Coimbatore, situated with the Coimbatore Taluk and District.

For Petitioner : M/s.B.Harikrishnan

For Respondents : M/s.G.Velu, AGP
for R1 to R3.

ORDER

The Writ Petition is filed for the following reliefs:-

" To direct the he 2nd respondent to conduct an enquiry on the petitioners representation dated 15.07.2024 in compliance of directions issued by the 1st



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respondent vide letter Ref.No.O.Mu. 2298132/ 2024/ E1, dated 12.08.2024 and cancel Chitta No.8478/2024 fraudulently issued by the 3rd respondent to the respondents 4 to 11 in respect of the lands comprised in SF No.633/2B and 633/3C situated in Bilichi Village, situated within the registration sub district of Periyanaikanpalayam, and registration district of Coimbatore, situated with the Coimbatore Taluk and District."

2. Heard the counsels on either side and perused the records.

3. A perusal of the records would show that suit O.S.No.653 of 2024 has been filed by the petitioner for the following reliefs:-

(a) Declaring that the plaintiff is the absolute owner of the suit property,

(b) of permanent injunction restraining the defendants, their men and agents from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit property,



(c) of permanent injunction restraining the defendants, their men and agents from alienating or encumbering the suit property to any third party in any manner what so ever,

(d) directing the defendants to pay the cost of the suit to the plaintiffs;

(e) granting such other and further relief which this Honourable Court may deem fit and proper under the circumstances of the case.

4. The document bearing Nos.8344 and 8387 of 2024 are the subject matter of the above suit. However, in the representation dated 15.07.2024, the petitioner has sought for the intervention of the 1st respondent to cancel the document Nos.8334/2024 & 8387/2024. The petitioner in the said representation also seeks a direction to the 2nd respondent conduct an enquiry with reference to chitta no.8478 that has been fraudulently issued to respondents 4 to 11.

5. Considering the above, the Writ Petition is partly allowed. The 2nd respondent shall consider the petitioner's representation dated



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15.07.2024, in so far as it relates to the request for cancellation of chitta no.8478. The 2nd respondent is directed to issue notice to respondents 4 to 11 and after hearing the interested parties, pass a speaking order. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. The request for cancellation of the documents cannot be considered in the light of Section 77 A of the Registration Act being declared unconstitutional by a Division Bench of this Court in the judgement reported in **2024 (4) CTC - 769 - M.Kathirvel Vs. Inspector General of Registration Department of Registration and Others**. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

- 1.The District Collector
Coimbatore District, Coimbatore.
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Coimbatore North, Coimbatore.
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Coimbatore North, Coimbatore.



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P.T. ASHA. J.,

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