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In the High Court of Judicature at Madras

Dated : 28.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34620 of 2024

1.Padmavathi
2.Arulselvi
3.Yesupadham ...Petitioners

Vs

1.The District Collector,
Chengalpattu District,
Office at Collectorate,
Chengalpattu.

2.The Revenue Divisional Officer,
having office at Kadaperi,
Tambaram, Chennai-45.

3.The Tahsildar, Tambaram Taluk,
Chengalpattu District.

4.Mariammal
5.D.Amul
6.A.Kavitha ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the representation dated 04.7.2024 submitted by the third petitioner, conduct an inquiry to cancel the patta erroneously issued in the name of the fourth respondent herein and pass appropriate orders thereof in accordance with law within a time to be stipulated by this Court.

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For Petitioners : Mr.M.Elumalai
For Respondents : Mr.P.Sathish, AGP

ORDER

The fourth respondent, who is the owner of the property adjacent to the property of the petitioners and who owns only an extent of 3 cents in S.No.149/1, Kilambakkam Village, obtained patta for 9 cents by taking in the property of the petitioners. The petitioners have been in enjoyment of 5 cents of land out of 9 cents in S.No.149/1 by constructing group houses. Since the extent of the property of the petitioners has been reduced, the petitioners have been repeatedly approaching the respondents for the grant of patta in respect of the 5 cents allotted to them.

2. Meanwhile, the fourth respondent executed a settlement deed dated 03.5.2017 in favour of her daughter namely the fifth respondent. In the said settlement deed, the fourth respondent simply stated that she has patta for an extent of 9 cents under patta No.82. It was only after the execution of the said settlement deed had come to the knowledge of their mother, the petitioners had come to know about the fraudulent manner, in which, the patta had been obtained by the fourth respondent.

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3. Immediately thereafter, the petitioners' mother sent a representation dated 26.12.2022 to the District Registrar, Chengalpattu seeking to cancel the settlement deed executed by the fourth respondent in favour of the fifth respondent and to the first respondent seeking to cancel patta No.82 issued to the fourth respondent. Even though the documents called for by the District Chengalpattu were submitted, no orders were passed on the same. The petitioners' mother died on 02.11.2023.

4. Thereafter, on 25.4.2024, the fifth respondent sold the said property to the sixth respondent. This sale was effected after the petitioners' mother sent the representation to the District Registrar, Chengalpattu to cancel the bogus settlement deed. In the meantime, a Division Bench of this Court, in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4) CTC 769],*** held that the Registering Authorities do not have right to cancel the registered documents. Pursuant to that, the third petitioner sent a representation dated 04.7.2024 to the second respondent to cancel the patta, which has been fraudulently obtained by the fourth respondent. This representation has not been taken into consideration to date. Therefore, the petitioners are before this Court.

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5. Considering the fact that the petitioners have made out allegations of fraud with regard to the patta obtained by the fourth respondent, the second respondent ought to have disposed of the said representation at the earliest.

6. Accordingly, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the representation of the third petitioner dated 04.7.2024 and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order.

28.11.2024

To
1.The District Collector,
Chengalpattu District,
Office at Collectorate,
Chengalpattu.

2.The Revenue Divisional Officer,
having office at Kadaperi,
Tambaram, Chennai-45.

3.The Tahsildar, Tambaram Taluk,
Chengalpattu District.

RS

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P.T.ASHA,J

RS

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