



WP.No.35123 of 2024

In the High Court of Judicature at Madras

Dated : 27.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35123 of 2024

1.M.Venkatesh
2.M.Ellappa
3.Lagummaya
4.M.Marappa
5.Ellamma

...Petitioners

Vs

1.The Inspector General of
Registration, 100, Santhome
High Road, Pattinapakkam,
Chennai-28.

2.The District Registrar,
Krishnagiri District,
Krishnagiri.

3.The Sub-Registrar, Hosur
Taluk, Krishnagiri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to make necessary corrections to remove the encumbrance stands in the name of Nanjappa and encumbrance made based on the title of the said Nanjappa and prevent them to further alienation of the petitioners' property in Original Survey No.672/2 now Survey No.



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672/2A1 measuring an extent of 0.63.5 Hectare and Survey No. 678/2C measuring an extent of 0.15.0 Hectare situated Mookandapalli Village, Hosur Taluk, Krishnagiri District as per the judgment and decree passed by this Court in S.A.No.1337 of 2008 dated 25.3.2021 by considering the petitioners' representation dated 30.9.2024.

For Petitioners : Mr.M.Venkatesh
For Respondents : Mr.M.Shahjahan, SGP

ORDER

The petitioners seek a Mandamus to the respondents to consider their representation dated 30.9.2024 to make necessary corrections to remove the encumbrance that stands in the name of Nanjappa and encumbrance made based on the title of the said Nanjappa and prevent them from further alienating the petitioners' properties in Original Survey No.672/2 now Survey No.672/2A1 measuring an extent of 0.63.5 Hectare and Survey No. 678/2C measuring an extent of 0.15.0 Hectare situated Mookandapalli Village, Hosur Taluk, Krishnagiri District as per the judgment and decree passed by this Court in S.A.No.1337 of 2008 dated 25.3.2021

2. Heard the learned counsel for the petitioners and the learned



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Special Government Pleader accepting notice for the respondents.

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3. The case of the petitioners is as follows :

(i) The petitioners are siblings. Their grandfather - one Mr.Kunnikadu was the original owner of the said properties. While so, one Mr.Yellappa, along with his family members, created a forged settlement deed, by which, the said properties were claimed to have been allotted to the share of the said Mr.Yellappa. Thereafter, through a power agent, the said properties were sold to various third parties. Thereafter, one Mr.Nanjappa filed O.S. No.131 of 2002 on the file of the District Munsif Court, Hosur claiming title to the said properties and it was decreed on 11.7.2007. The said judgment dated 11.7.2007 was taken on appeal by the petitioners in A.S.No.21 of 2007 before the Sub-Court, Hosur and it was dismissed by judgment and decree dated 06.9.2008.

(ii) Challenging the judgment of the First Appellate Court, S.A.No.1337 of 2008 came to be filed before this Court. Further, by judgment dated 25.3.2021, this Court allowed the said second appeal and dismissed the said suit filed by the said Mr.Nanjappa. In the said second appeal, this Court also held that the petitioners are the absolute owners of the subject properties and that the said Mr.Yellappa had no semblance of right over the same.

(iii) On the basis of the said judgment of this Court, the



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petitioners made an application to the Tahsildar, Hosur to cancel the patta issued to third parties and also to cancel the new sub-divisions made in Survey Nos.672/2A1 and 678/2C of Mookandapalli Village. According to the petitioners, after getting the certified copies of the judgment and decree in S.A.No.1337 of 2008 dated 25.3.2021, they presented the same before the third respondent, who registered the same as doc.No.13171 of 2021 on 01.9.2021.

(iv) However, the encumbrance standing in the name of the said Mr.Nanjappa and his power agent continued to remain as such as reflected in the encumbrance certificate. Hence, the petitioners made a representation dated 30.9.2024 to the respondents requesting them to act as per the said judgment and decree of this Court dated 25.3.2021 in S.A.No.1337 of 2008. But, there is no progress on the said representation. Therefore, the petitioners are before this Court.

4. This Court carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. Considering the fact that this Court, in the judgment and decree dated 25.3.2021 in S.A.No.1337 of 2008, already held that the petitioners are the absolute owners of the subject properties and that the said judgment and decree dated 25.3.2021 have also been



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registered before the third respondent, in order to avoid further third party encumbrance, the writ petition is allowed and the third respondent is directed to consider the representation of the petitioners dated 30.9.2024 and make necessary corrections by removing the offending entry relating to the sale deed in favour of the said Mr.Yellappa and the subsequent sale documents pursuant to the said judgment and decree dated 25.3.2021 in S.A.No.1337 of 2008. The above exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

27.11.2024

To

- 1.The Inspector General of
Registration, 100, Santhome
High Road, Pattinapakkam,
Chennai-28.
- 2.The District Registrar,
Krishnagiri District,
Krishnagiri.
- 3.The Sub-Registrar, Hosur
Taluk, Krishnagiri District.

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P.T.ASHA,J

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