



W.P.(MD)No.4884 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.4884 of 2023
and W.M.P.(MD)Nos.4569, 4571 and 4572 of 2023

P.S.Thalai

... Petitioner

versus

1. The Inspector General of Registration,
Registration Department,
Door No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar (Administration)
Madurai North,
Integrated Registration Offices Complex,
Rajakamberam,
Othakadai,
Madurai – 625 107.
3. The Sub Registrar,
Thamaraipatti,
Chittampatti Post,
Madurai East Taluk,
Madurai District.
4. The Tahsildar,
Melur Taluk,
Taluk Office,
Melur – 625 106
Madurai District.



W.P.(MD)No.4884 of 2023

5. S.Nagaraj

6. N.Karthick Kannan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings of the 2nd respondent in No.6486/ 2/2021 dated 05.05.2022 pertaining to the land in S.No.731/4(0.69.00 Ares) 1 Acre 70 Cents and S.No.731/5 (0.79.00 Ares) 1 Acre 94 ½ cents, totalling to 3 Acres 64 ½ cents at Therkkutheru Village, Melur Taluk, Madurai District and quash the same as illegal.

For Petitioner : Mr.S.Chandrasekaran

For R1 to R4 : Mr.C.Satheesh,
Government Advocate (Crl. Side)

For R5 and R6 : Mr.S.Deenadhayan

ORDER

This writ petition is filed challenging the impugned proceedings passed by the 2nd respondent in No.6486/ 2/2021 dated 05.05.2022, cancelling the tenancy agreement executed on 16.01.1971.

2. The case of the petitioner is that the property originally owned by one Avudaiyammal and Sakthivel, who had purchased the property on 24.10.1958. Thereafter, the said Sakthivel has released his right in favour of the said Avudaiyammal, vide a registered deed dated 23.05.1962. The said



W.P.(MD)No.4884 of 2023

Avudaiyammal, after becoming full owner of the property, by an oral agreement, leased out the property to one Ayyanan for cultivating the land. The said Ayyanan has made over the tenancy to the petitioner's father on 16.01.1971. Thereafter, his father's name was also included in the revenue records. After the death of his father in the year 1998, the petitioner is in possession of the property as a tenant and he is cultivating the land. While so, the 5th respondent, who is the son of Avudaiammal, by suppressing the tenancy agreement, sold the property to the 6th respondent. On knowing the same, the petitioner filed a protest petition before the respondents 1 to 3 to cancel the sale deed dated 28.10.2022 executed in favour of the 6th respondent. But, there was no action on the said protest petition. Later, he came to know that the 5th respondent has already gave a petition before the 2nd respondent to cancel the tenancy agreement. Based on that petition, the 2nd respondent issued notice to the petitioner's father, who is now deceased and passed the impugned order, cancelling the tenancy agreement executed in the year 1971. Challenging the same, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned



W.P.(MD)No.4884 of 2023

counsel appearing for the respondents 5 and 6.

WEB COPY

4. A perusal of the impugned order shows that it has been passed *ex parte*. It is stated that notice has been served. But, the notice has been sent to the death person, i.e. to the petitioner's father, who died in the year 1998, which has not been disputed. The fact remains that the impugned order came to be passed, without any evidence and without any foundational facts and only based on the patta produced by the 5th respondent and the allegations made by him, which is not sustainable under law. Therefore, the impugned order is liable to be set aside.

5. Accordingly, this writ petition is allowed and the impugned proceedings passed by the 2nd respondent in No.6486/2/2021 dated 05.05.2022 is hereby set aside. The parties shall workout their remedy in the appropriate forum. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No.
ogy



W.P.(MD)No.4884 of 2023

To

WEB COPY

1. The Inspector General of Registration,
Registration Department,
Door No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar (Administration)
Madurai North,
Integrated Registration Offices Complex,
Rajakamberam,
Othakadai,
Madurai – 625 107.
3. The Sub Registrar,
Thamaraipatti,
Chittampatti Post,
Madurai East Taluk,
Madurai District.
4. The Tahsildar,
Melur Taluk,
Taluk Office,
Melur – 625 106
Madurai District.



WEB COPY



W.P.(MD)No.4884 of 2023

N.SATHISH KUMAR, J.

ogy

W.P.(MD)No.4884 of 2023

29.08.2024