



W.P.(MD)No.17885 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17885 of 2022
and WMP(MD) No.13042 of 2022

M.Vijaya

... Petitioner

Vs

1. The District Collector,
Tenkasi, Tenkasi District.
2. The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.
3. The District Registrar,
District Registrar Office,
Tenkasi, Tenkasi District.
4. The Sub Registrar,
Sub Registrar Office, Kalugumalai,
Tenkasi District.
5. The Tahsildar,
Sankarankovil Taluk Office,
Tenkasi District.
6. The Block Development Officer,
Kuruvukulam Panchayat Union,
Tenkasi District..



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7. The Inspector of Police,
Kurivikulam Police Station,
Tenkasi District.

8. M.Mariappan

9. Kanagaraj

10. Manoharan

11. Ganesan

12. Kadarkarai

13. S.Shanmugathai

14. Sakkaiyah

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 3 and 4 to implement the order of Land Reforms Commissioner, Tirunelveli made in his proceedings No.X6. Aa9. 9925/1988, dated 21.07.1988 and T.Ke.8A 34/96, dated 18.02.1987 and to conduct an enquiry under section 77-A of Registration Act to cancel the illegal sale documents registered in respect of property situated in S. No.67/1A1 in patta No.416, in K.Alangulam Village, Sankarankovil Taluk, Tenkasi District by considering the petitioner representation dated 15.06.2022 and 27.06.2022 within a stipulated time may be fixed by this Court.

For Petitioner

: Mr. M.Saravanakumar

For Respondents

: Mr.P.Subbaraj (R1 to R6)
Special Government Pleader



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Mr.M.Vaikkam Karunanidhi (R7)
Government Advocate (Crl.Side)

Mr.S.Palanivelayutham (R8 to R10, R12)

Mr.M.Ramu (R11)

ORDER

This Writ Petition has been filed seeking direction to the respondents 3 and 4 to implement the order of Land Reforms Commissioner, Tirunelveli made in his proceedings No.X6. Aa9. 9925/1988, dated 21.07.1988 and T.Ke.8A 34/96, dated 18.02.1987 and to conduct an enquiry under section 77-A of Registration Act to cancel the illegal sale documents registered in respect of property situated in S. No.67/1A1 in patta No.416, in K.Alangulam Village, Sankarankovil Taluk, Tenkasi District by considering the petitioner representations dated 15.06.2022 and 27.06.2022.

2.Heard Mr.M.Saravanakumar, learned counsel appearing for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader appearing for R1 to R6, Mr.M.Vaikkam Karunanidhi, learned Government Advocate (Crl.Side) appearing for R7, Mr.S.Palanivelayutham, learned counsel appearing for R8 to R10, R12 and Mr.M.Ramu, learned counsel appearing for R11.



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3. It is the grievance of the petitioner that the sale deed sought to be cancelled is not valid in the eye of law, since the assignment given to vendor has already been cancelled. The learned counsel for the petitioner submitted that he has already filed a suit in O.S.No.92 of 2012 on the file of Sub Court, Sankarankovil for declaration and mandatory injunction and the same has been decreed in his favour.

4. Since the very registering authorities is not having power to go into the issue of cancellation of document, it is for the petitioner to present the decree and judgment obtained in his favour for registration. On such presentation of decree and judgment, the same shall be registered by the registering authorities.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2024

NCC : Yes/No
Index : Yes/No
PNM



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N.SATHISH KUMAR, J.

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