



W.P.(MD)No.18201 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18201 of 2022

and WMP(MD)Nos.13268, 13271 & 13272 of 2022

R.Sudalai Konar

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District-627 009.

2. The Superintendent of Police,
Samadanapuram,
Tirunelveli-627 002.

3. The District Registrar,
Palayamkottai,
Kokkirakulam,
Tirunelveli - 627 009.

4. The District Revenue Officer,
Kokkirakulam,
Tirunelveli 627 009.

5. The Sub Collector,
Cheranmahadevi,
Tirunelveli - 627 414.

6. The Sub Registrar,
Radhapuram,
Tirunelveli - 627 111.



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7. The Tahsildar,
Radhapuram Taluk Office,
Samugarangapuram Road,
Radhapuram,
Tirunelveli - 627 111.

8. A.Ignatius Franklin

9. A.Anver Ali

10.K.Srinivasan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records of 7th respondent pertaining to the proceedings 2021/0103/29/266990 dated 29.04.2021 in respect of Patta No.2305 property comprised in Survey No.720/3 Udhayaththur Village, Radhapuram Taluk, Tirunelveli District, quash the same as illegal and consequentially, forbearing the 6th respondent to register further documents comprised in Survey No.720/3 Udhayaththur Village, Radhapuram Taluk, Tirunelveli District and directing the 3rd respondent to take appropriate action for fraudulent registration of the sale deed bearing No.1549 of 2021 dated 18.03.2021 & 3674 of 2021 dated 27.08.2021 on the file of the 6th respondent office and cancel the same.

For Petitioner	: Mr.M.Ananthkumar
For R1to R7	: Mr.C.Satheesh
	Government Advocate



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For R8 & R10 : Mr.G.Aravinthan
For R9 : Mr.K.Sudalaiyandi

ORDER

Challenge has been made mainly against the joint patta issued by the Tahsildar including the name of the 8th respondent/Ignatius Franklin.

2. Heard both sides and perused the materials available on record.

3. It is the contention of the petitioner that there is a common pond located in the Survey No.720(3) namely, Sathankulam Pond and he has purchased the right in the pond originally belonged to the 10th respondent. The sale has been made in favour of the writ petitioner in the year 2010. However, thereafter the said extent has been again sold to the 8th respondent on 18.03.2021. Therefore, according to the writ petitioner, the said sale is a fraudulent one therefore patta proceedings is also fraudulent. Hence, challenging the patta issued including the name of the 8th respondent, this writ petition has been filed.



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4. At the outset, the petitioner is not challenged any proceedings except the joint patta issued to several persons. It is the case of the petitioner that he purchased the rights in the Pond in S.No.720(3). The same has been sold later to the 8th respondent. On perusal of the sale deed executed in favour of the petitioner, this Court is not able to find any Survey number except referring some rights to access the Government Pond which is transferred into his name. Whereas the sale executed in favour of the 8th respondent in the year 2021, what was sold is only $\frac{1}{4}$ share in the undivided 9 cents in S.No.720(3). Based on that purchase, the name of the 8th respondent also included in the joint patta. Therefore, when the document is silent about the transfer of the rights to the Government Pond, now the writ petitioner cannot agitate the same after the revenue records mutated based on the sale deed executed in favour of the 8th respondent.

5. In such view of the matter, the writ petition fails and the order impugned does not require any interference. It is for the petitioner to establish his right before the Civil Court.



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6. With the above observation, this writ petition is dismissed.

No Costs. Consequently, connected miscellaneous petitions are closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
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N.SATHISH KUMAR, J.

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