



W.P.(MD) No.23696 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23696 of 2024

P.Arivi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.Victoria Gunaseeli

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.ka.No.5787/2024/A4, dated 10.09.2024 on the file of the respondent no.3 and quash the same as illegal and consequently direct the respondent to issue patta in the name of the petitioner within the time frame stipulated by this Court.



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For Petitioner : Mr.A.Ganesan
M/s.Ganesan Legist Law Firm

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks to issue a certiorarified mandamus to call for the records of the 3rd respondent in his impugned order, dated 10.09.2024 quash the same and consequently, direct the respondents to issue patta in his name.

2. The petitioner would submit that he is the absolute owner of the property measuring an extent of 2 acres comprised in Survey No.265/4B at Chekkapatti Village, Nilakottai Taluk, Dindigul District. The petitioner had purchased this property under a registered sale deed bearing document no.2424/2020 and has been in possession and enjoyment of the same since then. Meanwhile, he came to learn that on the basis of a forged power of attorney, patta has been changed in the name of the 4th respondent and her minor children. Subsequently, on the complaint of the petitioner, the Registrar had ordered the forged document to be



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cancelled vide his proceedings, dated 15.05.2023 and accordingly, the sale deed stood cancelled.

3. The petitioner would submit that he had made several representations for effecting change in the patta. However, the same has been delayed and therefore, he had filed W.P(MD)No.13877 of 2024 on the file of this Court. By an order, dated 27.06.2024, the representation was directed to be considered and disposed of. The petitioner was directed to file a fresh application which was also done by the petitioner. The impugned order has been passed rejecting the request of the petitioner on the ground that the suit was pending. Aggrieved by the same, the petitioner is before this Court.

4. The respondents have failed to consider that the sale deed which has been executed in favour of the 4th respondent has been cancelled as a forged document and the patta has also been cancelled on this ground. That being the case, without the 4th respondent establishing that she is *bona fide* purchaser and that the sale has been executed in her favour by



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the rightful owner, the impugned order cannot stand scrutiny. Therefore, the impugned order, dated 10.09.2024 is set aside and directions are issued to the respondents to issue patta in the name of the petitioner within a period of six (6) weeks from the date of receipt of copy of this order. It is needless to state that if the 4th respondent is able to establish her right to the property, then the patta in the name of the petitioner can be altered thereafter.

5. With the above directions, this Writ Petition stands allowed. No costs.

04.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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P.T.ASHA, J.

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