



W.P.(MD) No.23579 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23579 of 2024

V.Veeraguru

.. Petitioner

Vs.

1.The Tahsildar,
SH 22, Anna Nagar,
Kumbakonam,
Tamil Nadu-612 001.

2.P.Prathap

3.District Revenue Officer,
New Collector Office,
Nagapattinam-Coimbatore-Gundlupet Hwy,
AVP Azhagammal Nagar,
Thanjavur, Tamil Nadu-613 010.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first and third respondents to consider the representation dated 16.07.2024.

For Petitioner : Ms.Kokilavani
for Mr.A.Kaushik Narain



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For R1 & R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for an innocuous prayer seeking to consider the representation dated 16.07.2024.

2. The facts which are set out in the petition are as follows:

The petitioner would submit that the property measuring an extent of 0.35 ares, that is, 82 cents approximately comprised in S.No.93/1B belonged to his grandfather Late T.A.Sadhanandham Pillai. This was part of a larger extent of 2.12 acres. Sadhanandham Pillai had purchased this larger extent in the name of his minor son T.S.Egambaram under a registered sale deed dated 20.01.1951. The extent of 2.12 acres purchased by the petitioner's grandfather was comprised in 3 survey numbers viz., S.No.75/1, measuring 1 acre 10 cents; S.No.77/9, measuring 20 cents; and S.No.93/1, measuring 82 cents, in all totally 2.12 Acres.



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3. On 29.05.1968, the said Sadhanandham Pillai had executed a registered settlement deed bearing Document No.819 of 1968 settling the extent of 2.12 acres on all his four sons, which included the petitioner's father S.Visvanathan with a life interest given in favour of Bhakirathiammal, wife of Sadhanandham Pillai. Sadhanandham Pillai had passed away on 01.05.1987 and thereafter, one of his sons T.S.Egambaram passed away on 03.01.1985 without leaving behind any legal heirs. The petitioner's grandmother and her three sons had sold an extent of 1 Acre 29 Cents to one Gnanasundari. The schedule of property as was sold was an extent of 1 Acre and 11 Cents in New S.No.75/1B, Old S.No.75/1 and 18 cents in S.No.77/9C under a registered sale deed dated 30.03.1992. Later the other son Vadivelu passed away on 04.03.1997 leaving behind his wife Dhanalakshmi as his legal heir. Bhakirathiammal has also passed away on 03.10.2002. The other son of Sadhanandham Pillai, viz., Veeraraghavan died on 31.12.2009 leaving behind his children Bhuvaneshwari and minor Dhakshinamoorthy. Therefore, the petitioner's father S.Visvanathan along with Dhanalakshmi, Bhuvaneshwari and Dhakshinamoorthy jointly hold the



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remaining extent of 0.35 ares in S.No.93/1B. Further, despite this, the petitioner's father by himself had sold the entire extent of 0.35 ares to the second respondent herein under a sale deed dated 15.04.2004 bearing Document No.2082 of 2024 on the file of the Sub-Registrar Office, Kumbakonam.

4. The petitioner would submit that his father has been duped taking advantage of his primary level education. Though the market value of the land is 1 Crore, the sale deed was executed for a mere sum of Rs.3,03,000/- and only a sum of Rs.1,00,000/- had been received with the balance sum of Rs.2,03,000/- remaining unpaid. The petitioner would further submit that his father had placed trust on his only surviving cousin S.Manikkavelu, who introduced the buyer to him. Manikkavelu, who was very much aware about the history and joint ownership of the land, has exerted his undue influence on the petitioner's father and made him sell the same. The petitioner would submit that he has sent a letter to the Deputy Inspector General, Registrar and Sub Registrar Joint-I, Kumbakonam to take action against the unauthorised registration. The



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petitioner would submit that the patta originally stood in the name of his grandfather Sadhanandham Pillai. After the purchase by the second respondent, he has got the revenue records mutated in his name. The petitioner would submit that he has given a representation on 16.07.2024 to cancel the patta issued in the name of the second respondent. The petitioner would submit that a partition suit has also been filed before the Sub-Court, Kumbakonam on 12.09.2024. Left with no other option, the petitioner has come forward with the writ petition.

5. Heard the learned counsel on either side.

6. Even as per the contention of the petitioner, a sale has been effected in favour of the second respondent and the petitioner has not sought to have the sale deed cancelled, but have only filed a suit for partition. As on date, till such time as the rights of the parties are defined, the respondents cannot proceed to cancel the patta when admittedly the sale has been executed by the owner of the property in favour of the second respondent.



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7. A perusal of the sale deed executed in favour of the second respondent would show that the petitioner's father had obtained a patta exclusively in his name in Patta No.1359 claiming to be in exclusive possession of the property from the date of the death of his father. A reference is also made that there are no other legal representatives of Sadhanandham Pillai other than Visvanathan, the petitioner's father. Therefore, the sale deed has to be aside in the manner known to law. Since there is a dispute with reference to the title, till such time the suit for partition is disposed of, the revenue authorities shall not pass orders on the representation of the petitioner.

8. In the result, this Writ Petition is dismissed. The petitioner can revive the request after the disposal of the suit. No costs.

03.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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