



WP.Nos.11825 & 13083
of 2024

In the High Court of Judicature at Madras

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Dated : 15.4.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition Nos.11825 & 13083 of 2024
& WMP.Nos.12929 & 14247 of 2024

Dr.S.Baskar

...Petitioner in
both WPs

Vs

1.The Revenue Divisional Officer,
Krishnagiri Revenue Division
Office, Bangalore Road,
Veerappa Nagar, Krishnagiri,
Tamil Nadu-635001.

2.The Tahsildar, Pochampalli
Taluk Office, Pochampalli,
Tamil Nadu-635206.

3.The Zonal Deputy Tahsildar,
Taluk Office, Pochampalli.
Tamil Nadu-635206.

...R1 to R3 in
WP.No.11825 of
2024

4.The Inspector General of
Registration, No.100, Santhome
High Road, Pattinapakkam,
Chennai-28.

5.The Deputy Inspector General of
Registration, Integrated Building



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of Registration Department,
Veppamara Street, Velappadi,
Vellore-632001.

6.The District Registrar,
Dharmapuri District,
Gandhi Nagar, Dharmapuri.
Tamil Nadu-636701.

7.The Sub-Registrar,
Sub-Registrar Office,
Barur, Krishnagiri District,
Krishnagiri-635201.

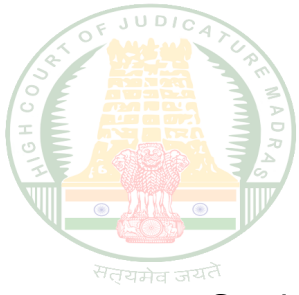
...R1 to R4 in
WP.No.13083 of
2024

8.S.Ranjith Kumar
9.M.Sivakumar
10.M.Mani
11.D.Yuvakarthika

...R4 to R7 in
WP.No.11825 of
2024 & R5 to R8
in WP.No.13083
of 2024

PETITIONS under Article 226 of The Constitution of India praying
for the issuance of

(i) a Writ of Certiorarified Mandamus to call for the records
pertaining to the order dated 03.1.2024 passed by the 2nd respondent
herein bearing Na.Ka.1371/2023/A2 and the order dated 15.3.2024
passed by the 3rd respondent herein bearing Na.Ka.1371/2023/A2,
quash the same as contrary to Section 10 read with the Proviso to



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Section 14 of the Tamil Nadu Patta Pasbook Act and the judgment of Honourable Division Bench of the Madras High Court in Vishwas Footwear Company Ltd. Vs. the District Collector and Ors. [reported in 2011 (5) CTC 94] and consequently restore single patta Nos.1496, 1128 and 1080 in respect of S.No.5 - Acre 5.94, S.No.6 - Acre 1.44 and S.No.8 - Acre 4.53 at Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District to the name of the writ petitioner within a time stipulated by this Court (WP.No.11825 of 2024); and

(ii) a Writ of Mandamus directing the 4th respondent herein to cancel the registration entry pertaining to the sale deed dated 24.6.2022 bearing Doc.No.1642 of 2022, the sale deed dated 04.1.2023 bearing Doc.No.56 of 2023 and the sale deed dated 04.1.2023 bearing Doc.No. 57 of 2023 in respect of S.No.5 having an extent of Acre 5.94, S.No.6 having an extent of acre 1.44 and S.No.8 having an extent of Acre 4.53 at Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District on the file of his records as illegal, void and non-est within a time stipulated by this Court (WP.No.13083 of 2024).

For Petitioner in
both the WPs

:

Mr.A.L.Somayaji, SC for
Mr.J.Ravikumar

For R1 to R3 in
WP.No.11825 of 2024

:

Mr.M.R.Gokul Krishnan, AGP

For R1 to R4 in
WP.No.13083 of 2024

:

Mr.U.Bharanidharan, SGP



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For R4 in
WP.No.11825 of 2024 &
For R5 in
WP.No.13083 of 2024 : Tapal returned

For R5 in
WP.No.11825 of 2024 &
For R6 in
WP.No.13083 of 2024 : Ms.S.P.Arthi

For R6 in
WP.No.11825 of 2024 &
For R7 in
WP.No.13083 of 2024 : Mr.B.M.Subash

For R7 in
WP.No.11825 of 2024 &
For R8 in
WP.No.13083 of 2024 : Served & No appearance

COMMON ORDER

W.P.No.11825 of 2024 has been filed questioning (i) the order passed by the Tahsildar, Pochampalli dated 03.1.2024 and (ii) the order passed by the Zonal Deputy Tahsildar, Pochampalli dated 15.3.2024 and for a consequential direction to restore the patta in the name of the petitioner in respect of the properties in S.No.5 measuring acres 5.94 cents, S.No.6 measuring acres 1.44 and S.No.8 measuring acres 4.53 cents at Chellakuttapatti Village, Pochampalli



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Taluk, Krishnagiri District.

2. W.P.No.13083 of 2024 has been filed seeking for a direction to Sub-Registrar, Barur, Krishnagiri District to cancel the entries pertaining to (i) the sale deed dated 24.6.2022 registered as Doc.No. 1642 of 2022, (ii) the sale deed dated 04.1.2023 registered Doc.No.56 of 2023 and (iii) another sale deed dated 04.1.2023 registered as Doc.No.57 of 2023 in respect of the subject properties.

3. Heard the respective learned counsel appearing for the both parties.

4. The facts leading to filing of these writ petitions are as follows:

(i) The subject properties were originally owned by one Mr.B.V. Subramaniya Maniyakar from the year 1953. The first wife of the said Mr.B.V.Subramaniya Maniyakar filed a suit in O.S.No.132 of 1986 before the District Munsif Court, Krishnagiri against one Mr.K.S. Sambasivam seeking to declare the subject properties as belonging to her and for a permanent injunction from interfering with the peaceful

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possession and enjoyment of the subject properties and it was decreed on 14.8.1986.

(ii) Later, there was a family dispute, which led to the filing of O.S.No.75 of 2001 before the District Munsif-cum-Judicial Magistrate Court, Pochampalli once again by the first wife of the said Mr.B.V. Subramaniya Maniyakar. During the pendency of the said suit, the said Mr.B.V.Subramaniya Maniyakar died and his other legal heirs were brought on record and a settlement was arrived at between the parties and a compromise decree came to be passed on 29.11.2002. Pursuant to the said decree dated 29.11.2002, the subject lands were sold by all the legal heirs of the said Mr.B.V. Subramaniya Maniyakar to one Mr.P.V.Chandran vide a sale deed dated 17.5.2010 registered as doc.No.676 of 2010 on the file of the Sub-Registrar, Barur.

(iii) After purchase, the said Mr.P.V.Chandran sold the subject lands to the petitioner and his wife - one Mrs.Varalakshmi vide two sale deeds dated 15.7.2013 registered as doc.Nos.863 & 864 of 2013 on the file of the Sub-Registrar, Barur. Later, the petitioner's wife settled her share in the subject properties in favour of the petitioner vide settlement deed dated 10.6.2016 registered as doc.No.728 of 2016 on the file of the Sub-Registrar, Barur and thereby, the petitioner

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claims to be the absolute owner of the subject properties.

(iv) During November/December 2022, an attempt was made by some third parties to deal with the subject properties and hence, the petitioner applied for an encumbrance certificate, pursuant to which, he found that a sale deed was executed with respect to the subject properties in favour of one Mr.S.Ranjith Kumar, who is a party respondent in the above writ petitions, vide sale deed dated 24.6.2022 registered as Doc.No.1642 of 2022 on the file of the Sub-Registrar, Barur. This sale deed dated 24.6.2022 was purportedly executed on behalf of the legal heirs of the said Mr.K.S.Sambasivam pursuant to the ex parte decree dated 28.2.2011 passed in a specific performance suit in O.S.No.142 of 2010 on the file of the Principal Sub-Court, Krishnagiri.

(v) Based on the said decree dated 28.2.2011, the pattas were also issued in the name of the said Mr.S.Ranjith Kumar in patta Nos. 1496 and 1513 without issuing notice to the petitioner. Later, the petitioner sent a representation dated 19.12.2022 to (i) the District Registrar (Administration), Registration Department, Krishnagiri District and (ii) the Sub-Registrar, Barur seeking to cancel the sale deed dated 24.6.2022 on the ground that it is a fraudulent document.



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The said representation dated 19.12.2022 was not entertained by the District Registrar concerned and ultimately, vide proceedings dated 18.4.2024, the petitioner was directed to approach the competent civil court seeking appropriate remedy.

(vi) In the meantime, in respect of the subject properties, the said Mr.S.Ranjith Kumar executed two sale deeds both dated 04.1.2023 registered as doc.Nos.56 and 57 of 2023 on the file of the Sub-Registrar, Barur in the names of (i) one Mr.M.Sivakumar, (ii) Mr.M.Mani and (iii) Mrs.D.Yuva Karthika, who are also party respondents in the above writ petitions. When an attempt was made to survey the subject properties, it was objected by the petitioner. Thereafter, the said Mr.M.Sivakumar sent a representation dated 09.2.2023 to the District Registrar, Dharmapuri seeking to declare all the sale deeds that were executed after 1972 in favour of the petitioner and his predecessor in title in respect of the subject properties as fraudulent documents.

(vii) Pursuant to that, the petitioner filed W.P.No.11009 of 2023 before this Court challenging the inquiry initiated by the District Registrar, Dharmapuri vide proceedings dated 20.3.2023 based on the said representation dated 09.2.2023 sent by the said Mr.M.Sivakumar.



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The said writ petition was entertained and the proceedings in question was stayed. The petitioner also filed W.P.No.17465 of 2023 challenging the patta granted in favour of the private respondents and it was allowed by order dated 22.8.2023 by remitting the matter back to the Zonal Deputy Tahsildar, Taluk Office, Pochampalli to conduct an inquiry and pass orders.

(viii) Thereafter, the Tahsildar, Pochampalli, vide proceedings dated 03.1.2024, cancelled the patta, which stood in the name of the petitioner and directed the parties to approach the civil court. Further, by proceedings dated 15.3.2024, the Zonal Deputy Tahsildar, Pochampalli reiterated the said position. Aggrieved by that, W.P.No. 11825 of 2024 has been filed.

(ix) During the pendency of W.P.No.11825 of 2024, W.P.No. 13083 of 2024 has been filed seeking for cancellation of (a) the sale deed dated 24.6.2022 executed in favour of the said Mr.S.Ranjith Kumar by the legal heirs of the said Mr.K.S.Sambasivam and (b) the two sale deeds both dated 04.1.2023 executed in favour of the said Mr.M.Sivakumar, the said Mr.Mani and the said Mrs.D.Yuva Karthika by the said Mr.S.Ranjith Kumar.

5. When these writ petitions came up for hearing on 03.4.2025,



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this Court passed the following order :

"Heard Mr.A.L.Somayaji, learned Senior Counsel appearing on behalf of the petitioners in both the cases.

2. The learned Senior Counsel by relying upon the documents filed in these writ petitions explained the flow of title of the writ petitioner with respect to the subject property. He also brought to the notice of this Court that the rival claimant, namely the 4th respondent is relying upon a sale deed executed in his favour through Court pursuant to the decree passed in O.S.No.142 of 2010 dated 18.08.2010 by the Principal Sub Judge, Krishnagiri. After the sale deed was executed in favour of the 4th respondent, patta was also granted in his name in patta No.1496 & 1513. The learned Senior Counsel submitted that the very basis of the right and title claimed by the 4th respondent hinges upon the decree that was passed in O.S.No.142 of 2010 by the Principal Sub Judge, Krishnagiri, dated 18.08.2010. This decree was put to challenge before this Court in C.R.P.No.4050 of 2024. This Court by an order dated 02.12.2024 set aside the judgment and decree passed in O.S.No.142 of 2010. In view of the same, it was contended that the fulcrum of the claim made by the 4th respondent falls to the



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ground and as a consequence, the patta must stand restored in the name of the writ petitioner.

3. The learned counsel appearing on behalf of the 4th respondent seeks for some more time in this case.

4. Post these cases under the caption 'part heard cases' on 09.04.2025 at 02.15 PM."

6. The learned Senior Counsel appearing on behalf of the petitioner submitted as follows :

The very basis of the right and title claimed by the said Mr.S. Ranjith Kumar is dependant upon the ex parte decree dated 28.2.2011 that was passed in O.S.No.142 of 2010 on the file of the Principal Sub-Court, Krishnagiri. Similarly, the right and title claimed by other private respondents is traceable to the title of the said Mr.S.Ranjith Kumar. As already recorded in the earlier order dated 03.4.2025 passed by this Court, the judgment and decree dated 28.2.2011 passed in O.S.No.142 of 2010 on the file of the Principal Sub-Court, Krishnagiri has already been set aside by this Court vide order dated 02.12.2024 in C.R.P.No.4050 of 2024 filed by the petitioner.

7. On the contrary, the respective learned counsel appearing for



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the contesting respondents questioned the decree dated 14.8.1986 passed in O.S.No.132 of 1986 on the file of the District Munsif Court, Krishnagiri and also the compromise decree dated 29.11.2002 passed in O.S.No.75 of 2001 on the file of the District Munsif-cum-Judicial Magistrate Court, Pochampalli. It was contended that both the decrees dated 14.8.1986 and 29.11.2002 are non est in the eye of law, that there are interpolations found in the judgments and decrees and that the judgments and decrees were passed through collusion between the parties. Consequently, they questioned the sale deed that was executed in favour of the said Mr.P.V.Chandran on 17.5.2010 and the subsequent sale deeds executed in favour of the petitioner and his wife by the same Mr.P.V.Chandran on 15.7.2013.

8. In short, the respective learned counsel appearing for the contesting respondents wanted this Court to go into the validity of the judgments and decrees dated 14.8.1986 and 29.11.2002 and set them at naught and thereafter direct the parties to go before the civil court and agitate their rights. They supported the orders passed by both respondents 2 and 3, who had only directed the parties to go before the civil court and agitate their rights.

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9. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned orders.

10. In the considered view of this Court, the judgments and decrees passed by the civil courts cannot be tested by this Court while exercising its power and jurisdiction under Article 226 of The Constitution of India. This is more so since those judgments were not even put to challenge by the private respondents.

11. A Larger Bench of the Hon'ble Apex Court had an occasion to deal with this issue in the case of **Radhey Shyam Vs. Chhabi Nath** **[reported in 2015 (2) CTC 334]**, the relevant portions of which are extracted as hereunder :

"4. Thus, the question to be decided is whether the view taken in Surya Dev Rai that a writ lies under Article 226 of the Constitution against the order of the civil court, which has been doubted in the reference order, is the correct view.

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21. *It is true that this Court has laid down that technicalities associated with the prerogative writs in England have no role to play under our constitutional scheme. There is no parallel system of King's Court in India and of all other courts having limited jurisdiction subject to supervision of King's Court. Courts are set up under the Constitution or the laws. All courts in the jurisdiction of a High Court are subordinate to it and subject to its control and supervision under Article 227. Writ jurisdiction is constitutionally conferred on all High Courts. Broad principles of writ jurisdiction followed in England are applicable to India and a writ of certiorari lies against patently erroneous or without jurisdiction orders of Tribunals or authorities or courts other than judicial courts. There are no precedents in India for High Courts to issue writs to subordinate courts. Control of working of subordinate courts in dealing with their judicial orders is exercised by way of appellate or revisional powers or power of superintendence under Article 227. Orders of civil court stand on different footing from the orders of authorities or Tribunals or courts other than judicial/civil courts. While appellate or revisional jurisdiction is regulated by statutes, power of superintendence under Article 227 is constitutional. The expression "inferior court" is not referable to*



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judicial courts, as rightly observed in the referring order in paras 26 and 27 quoted above.

22. The Bench in Surya Dev Rai also observed in para 25 of its judgment that distinction between Articles 226 and 227 stood almost obliterated. In para 24 of the said judgment distinction in the two articles has been noted. In view thereof, observation that scope of Article 226 and 227 was obliterated was not correct as rightly observed by the referring Bench in Para 32 quoted above. We make it clear that though despite the curtailment of revisional jurisdiction under Section 115 CPC by Act 46 of 1999, jurisdiction of the High Court under Article 227 remains unaffected, it has been wrongly assumed in certain quarters that the said jurisdiction has been expanded. Scope of Article 227 has been explained in several decisions including Waryam Singh and another vs. Amarnath and another AIR 1954 SC 215 : 1954 SCR 565, Ouseph Mathai vs. M.Abdul Khadir 2002 (1) SCC 319, Shalini Shyam Shetty vs. Rajendra Shankar Patil 2011 (1) CTC 854 (SC) : 2010 (8) SCC 329 and Sameer Suresh Gupta vs. Rahul Kumar Agarwal 2013 (9) SCC 374. In Shalini Shyam Shetty, this Court observed :

'64. However, this Court unfortunately discerns that of late there is a growing trend amongst several High Courts to entertain writ



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petition in cases of pure property disputes. Disputes relating to partition suits, matters relating to execution of a decree, in cases of dispute between landlord and tenant and also in a case of money decree and in various other cases where disputed questions of property are involved, writ courts are entertaining such disputes. In some cases the High Courts, in a routine manner, entertain petitions under Article 227 over such disputes and such petitions are treated as writ petitions.

65. We would like to make it clear that in view of the law referred to above in cases of property rights and in disputes between private individuals writ court should not interfere unless there is any infraction of statute or it can be shown that a private individual is acting in collusion with a statutory authority.

66. We may also observe that in some High Courts there is a tendency of entertaining petitions under Article 227 of the Constitution by terming them as writ petitions. This is sought to be justified on an erroneous appreciation of the ratio in Surya Dev and in view of the recent amendment to Section 115 of the Civil Procedure Code by the Civil Procedure Code (Amendment) Act, 1999. It is urged that as a result of the amendment, scope of Section 115 CPC has been curtailed. In our view,



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even if the scope of Section 115 CPC is curtailed that has not resulted in expanding the High Court's power of superintendence. It is too well known to be reiterated that in exercising its jurisdiction, High Court must follow the regime of law.

67. As a result of frequent interference by the Hon'ble High Court either under Article 226 or 227 of the Constitution with pending civil and at times criminal cases, the disposal of cases by the civil and criminal courts gets further impeded and thus causing serious problems in the administration of justice. This Court hopes and trusts that in exercising its power either under Article 226 or 227, the Hon'ble High Court will follow the time honoured principles discussed above. Those principles have been formulated by this Court for ends of justice and the High Courts as the highest courts of justice within their jurisdiction will adhere to them strictly.' (emphasis added)

23. Thus, we are of the view that judicial orders of civil courts are not amenable to a writ of certiorari under Article 226. We are also in agreement with the view of the referring Bench that a writ of mandamus does not lie against a private person not discharging any public duty. Scope of Article 227 is different from Article 226.

24. We may also deal with the submission



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made on behalf of the respondent that the view in Surya Dev Rai stands approved by Larger Benches in Shail, Mahendra Saree Emporium and Salem Advocate Bar Assn and on that ground correctness of the said view cannot be gone into by this Bench. In Shail, though reference has been made to Surya Dev Rai, the same is only for the purpose of scope of power under Article 227 as is clear from para 3 of the said judgment. There is no discussion on the issue of maintainability of a petition under Article 226. In Mahendra Saree Emporium, reference to Surya Dev Rai is made in para 9 of the judgment only for the proposition that no subordinate legislation can whittle down the jurisdiction conferred by the Constitution. Similarly, in Salem Bar Assn. in para 40, reference to Surya Dev Rai is for the same purpose. We are, thus, unable to accept the submission of learned counsel for the respondent."

12. The Three Member Bench of the Hon'b'e Apex Court in the case of **Radhey Shyam** has made it clear that judicial orders of civil courts are not amenable to writ jurisdiction under Article 226 of The Constitution of India.

13. In the light of the above judgment of the Hon'ble Apex



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Court, this Court, exercising its writ jurisdiction under Article 226 of The Constitution of India, cannot go into the validity of the decrees passed by the civil courts. The very basis, on which, the private respondents claim right and title over the subject properties, no longer survives after the order dated 02.12.2024 passed by this Court in C.R.P.No.4050 of 2024. Hence, the private respondents did not even have the locus standi to question either the title of the petitioner in the subject properties or the decrees (i) dated 14.8.1986 passed in O.S.No.132 of 1986 on the file of the District Munsif Court, Krishnagiri and (ii) dated 29.11.2002 passed in O.S.No.75 of 2001 on the file of the District Munsif-cum-Judicial Magistrate Court, Pochampalli.

14. This Court has already made it clear that the private respondents must agitate their claim only by filing a comprehensive civil suit and establish their rights, that until the same is done and they succeed in that, they cannot question the right and title of the petitioner and that the sale deeds that stand in their favour cannot independently survive. Consequently, the pattas that were transferred in the names of the private respondents must also be cancelled and must be restored in the name of the petitioner.

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15. In the upshot,

(a) the writ petitions are allowed;

(b) the order dated 03.1.2024 passed by the Tahsildar, Pochampalli and the order dated 15.3.2024 passed by the Zonal Deputy Tahsildar, Pochampalli are hereby set aside;

(c) There shall be a direction to the Tahsildar, Pochampalli to mutate the revenue records by cancelling the pattas standing in the names of the private respondents and restoring the pattas in the name of the petitioner in respect of the subject properties. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order;

(d) The sale deeds (i) dated 24.6.2022 registered as Doc.No. 1642 of 2022, (ii) dated 04.1.2023 registered as Doc.No.56 of 2023 and (iii) dated 04.1.2023 registered as



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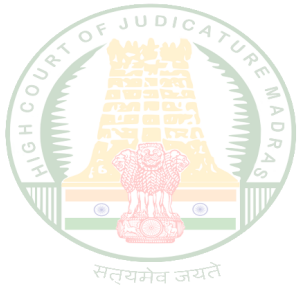


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Doc.No.57 of 2023 on the file of the Sub-Registrar, Barur, Krishnagiri District in respect of S.No.5 having an extent of Acre 5.94, S.No.6 having an extent of acre 1.44 and S.No.8 having an extent of Acre 4.53 at Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District are declared to be non-est in the eye of law since the substratum to those sale deeds has been knocked off by this Court while allowing C.R.P.No.4050 of 2024 dated 02.12.2024;

(e) There shall be a direction to the Sub-Registrar, Barur, Krishnagiri District to make necessary entries in the encumbrance certificate by cancelling the said three sale deeds after taking note of the present order and such process shall be completed within a period of four weeks from the date of receipt of a copy of this order; and

(f) As observed by this Court in the order



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dated 02.12.2024 in C.R.P.No.4050 of 2024, if the private respondents have any right or title over the subject properties, it is for them to establish the same before the competent civil court in accordance with law.

No costs. Consequently, the connected WMPs are closed.

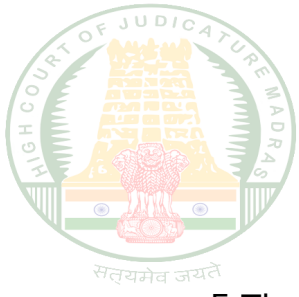
15.4.2025

Index : Yes
Neutral Citation : Yes

To

- 1.The Revenue Divisional Officer,
Krishnagiri Revenue Division
Office, Bangalore Road,
Veerappa Nagar, Krishnagiri,
Tamil Nadu-635001.
- 2.The Tahsildar, Pochampalli
Taluk Office, Pochampalli,
Tamil Nadu-635206.
- 3.The Zonal Deputy Tahsildar,
Taluk Office, Pochampalli.
Tamil Nadu-635206.
- 4.The Inspector General of
Registration, No.100, Santhome
High Road, Pattinapakkam,
Chennai-28.

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5.The Deputy Inspector General of
Registration, Integrated Building
of Registration Department,
Veppamara Street, Velappadi,
Vellore-632001.

6.The District Registrar,
Dharmapuri District,
Gandhi Nagar, Dharmapuri.
Tamil Nadu-636701.

7.The Sub-Registrar,
Sub-Registrar Office,
Barur, Krishnagiri District,
Krishnagiri-635201.

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RS

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