



W.P.(MD).No.11395 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 11395 of 2025

and

W.M.P(MD)Nos.8448 & 8449 of 2025

Ganapathi

...Petitioner

Vs.

1. The Deputy Inspector General Of Registration,
Trichy.

2. The District Registrar,
Pudukottai Registration District,
Pudukottai.

3. The Sub-Registrar,
Thirumayam,
Pudukkottai District.

4. Manickam

5. Valliammal

6. Muthuraman

7. Kumar

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent dated 29.4.2022 made in Na.Ka.No. 2139/A2/2021 and in furtherance of impugned registered partition Release Deed dated 11.05.2022 executed by the 4th and 5th respondents in favour of 6th & 7th respondents in Doc.No. 1636 of 2022 on the file of the 3rd respondent and quash the same.



W.P.(MD).No.11395 of 2025

For Petitioner : M/s. T.Veerakumar

For Respondents : Mr.S.Kameshwaran,
Government Advocate
For R1 to 3
M/s. M.Mahaboob Athiff □
For R4 to 7

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent dated 29.4.2022 made in Na.Ka.No. 2139/A2/2021 and in furtherance of impugned registered partition Release Deed dated 11.05.2022 executed by the 4th and 5th respondents in favour of 6th and 7th respondents in Doc.No. 1636 of 2022 on the file of the 3rd respondent and quash the same.

2. Through in the impugned order, the official respondents have kept the settlement in abeyance with the endorsement not to make any further encumbrance, aggrieved over the same the present writ petition is filed. The brief facts are that the property in old S.No.429 and new S.No.480/2 measuring 0.320 ares situated at Kottur Village, Thirumayam Taluk, Pudukottai District is originally belonged to one Ramanathan Chettiar, which he inherited through partition deed vide Doc.No.503/1959. The petitioner's paternal grant father namely Alagappa Konar had worked with the above said Ramanathan Chettiar as



W.P.(MD).No.11395 of 2025

an Accountant. On 07.05.1979, the said Ramanathan Chettiar had executed a release deed dated 07.05.1970, in respect of right over the property. Thereafter, the said Alagappa Konar was in peaceful possession and enjoyment of the property till his demise. Subsequently, the petitioner's father Karuppaiah was in peaceful possession and enjoyment in the said property. Subsequently, the petitioner's family shifted to state of Karnataka for business purpose. However, the petitioner's father maintained the said property. While that being so, Patta of the said property was incorrectly mutated as "held over" by the revenue authorities. Under those circumstances, the fourth respondent namely Manickam manipulated the said Patta with the collusion of the revenue authorities and changed the Patta in his name without adducing any documents whatsoever. When it came to the knowledge of the petitioner's father, he submitted an application before the Thasildar Thirumayam and after enquiry it was found that the fourth respondent had fraudulently obtained the said Patta in a forged manner. Therefore, the Tahsildar, Thirumayam has cancelled the said Patta and issued Patta No.1158 to the petitioner's father Karuppaiah vide proceedings in PTR/301/2019/A6 dated 12.03.2019. Thereafter, the petitioner's father executed a settlement deed in a registered settlement deed vide Doc.No.3115 of 2020 dated 02.12.2020. While that being so, on 23.11.2019, the 4th respondent made a false representation, to the Superintendent of Police, Pudukottai, as if he had life threat from one Karuppaiah and he filed a CrI.O.P.(MD).No.19185 of 2019 seeking



W.P.(MD).No.11395 of 2025

police protection. On the pretext of the said order, the respondent No.4 to 7 herein are trying to dispossess the petitioner's father from the said property illegally. Hence, the petitioner's father moved a direction petition not to interfere with the Civil dispute in CrI.OP(MD).No.816 of 2021 and the this Court has passed an order against the police officials on 22.03.2021. Again by using order dated 20.12.2019, the fourth respondent filed a petition before the Tahsildar, Thirumayam seeking cancellation of patta, which stands in the name of the petitioner's father.

3. The contention of the petitioner is that without issuing notice, patta was cancelled and it was mutated in faovur of respondent Nos. 4 to 7. The petitioner's father preferred an appeal before the Revenue Divisional Officer against the order of the Tahsildar dated 13.11.2020. The Revenue Divisional Officer has set aside the order of the Tahsildar's order and mutated the patta in original position as "held over". Against the order of the Revenue Divisional Officer dated 28.11.2023, the respondents 4 to 7 filed a writ petition in WP.(MD).No. 31118/2023 and this Court vide order dated 28.01.2025, set aside the second respondent's order stating that the order passed without putting any notice and remitted the same back to the file of Revenue Divisional Officer. During the pendency of the above said patta appeal before the Revenue Divisional Officer, the fourth respondent herein has preferred a complaint before the District



Registrar/Second respondent seeking cancellation of settlement deed in Doc.No. 3215 of 2020. The contention of the petitioner is that without issuing notice to the petitioner more particularly in the Covid-19 period, the second respondent passed an order in a hasty manner on 29.04.2022, stating to direct the third respondent/Sub Registrar, Thirumayam not to register any further documents based on the petitioner's settlement deed and further directed the third respondent to endorse the same with the said deed and gave 60 days time to prefer appeal. The petitioner had preferred an appeal on 10.06.2022 and the same is pending. The petitioner further made an objection to the Sub-Registrar, Thirumayam on 10.06.2022. The 4th and 5th respondents have executed a release deed in favour of their sons namely 6th and 7th respondents on 11.05.2022 vide Doc.No.1636 of 2022 on the file of Sub-Registrar, Thirumayam. In the release deed it is stated that as if the settlement deed executed in favour of the petitioner was already cancelled by the second respondent. The said contention is utterly false and untenable. Hence the present writ petition is filed challenging the settlement deed.

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

5. It is seen from the records that, several litigations have been initiated by the petitioner as well as the private respondents. This court is of the considered opinion that the parties instead of approaching the competent Civil Court, they are



W.P.(MD).No.11395 of 2025

filing petitions after petitions which is creating multiplicity of proceedings.

Therefore, a proper remedy is to direct the parties to approach the competent Civil Court, until then, the petitioners as well as the private respondents ought to be restrained from dealing with the property. Hence, the petitioner herein and the private respondents are directed to approach the competent Civil Court within a period of four months from the date of receipt of a copy of this order and obtained interim orders, until then, the petitioner as well as the private respondents are restrained from dealing with the property and all the other litigations are kept in abeyance. The parties shall adhere to the out come of the suit.

6. With the above said observations, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2025

NCC : Yes / No

Internet : Yes

gvn



W.P.(MD).No.11395 of 2025

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To:

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Pudukottai.
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Thirumayam,
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W.P.(MD).No.11395 of 2025

S.SRIMATHY, J.

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Order made in
W.P(MD)No. 11395 of 2025

DATED : 08.08.2025