



W.A.(MD) No.1206 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
02.12.2024	29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A.(MD) No.1206 of 2020
and
C.M.P.(MD) No.6657 of 2020

N.Arumugam

... Appellant

-vs-

- 1.The Revenue Divisional Officer
Kulithalai
Karur District
- 2.The Zonal Manager
State Bank of India
No.7, Mettanus Road
Trichy-620 001
Trichy District
- 3.The Senior Manager
State Bank of India
Kulithalai Branch
Kulithalai
Karur District



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4.The Inspector of Police
District Crime Branch
District Police Office
Karur, Karur District

5.The Sub-Registrar
Registration Department
Nangavaram
Kulithalai Taluk
Karur District

6.N.Rengaraj

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.07.2020, passed in W.P.(MD) No.7592 of 2020, on the file of this Court.

For Appellant : Mr.D.Selvanayagam
for Mr.K.Seemaraj

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader for R1
Mr.N.Dilip Kumar
Standing Counsel for R2 & R3
Mr.K.Gnanasekaran
Government Advocate (Criminal Side) for R4
Mr.M.Sarangan
Additional Government Pleader for R5



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J U D G M E N T

RMT.TEEKAA RAMAN, J.

The unsuccessful writ petitioner is the appellant herein.

2. For the sake of convenience, the parties are referred to as per the ranking in the writ petition.

3. The writ petitioner filed the writ petition seeking for a direction to the respondents 2 and 3 to consider his representation dated 10.01.2020 and the order dated 11.06.2019 passed by the first respondent and to release his land from mortgage created by the sixth respondent registered with the fifth respondent for the loan advanced by the third respondent - Bank and to pay compensation of Rs.20,00,000/- towards mental agony and Rs. 10,00,000/- towards the expenses incurred by him to get back the patta in his name.

4. The said writ petition was dismissed by the learned Single Judge by observing that such a relief cannot be granted in the writ jurisdiction



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and the remedy of the writ petitioner lies elsewhere. Further, the writ petitioner has not obtained any decree of the competent Civil Court declaring the documents referred by him as fabricated and forged and hence, the question of granting compensation does not arise. However, liberty was granted to the writ petitioner to claim compensation and to work out his remedy before the appropriate forum. Hence, this writ appeal.

5. Heard the learned counsel for the writ petitioner, which is discussed in detail infra.

6. Learned Government Advocate (Criminal Side) appearing for the fourth respondent would state that in Crime No.2 of 2020, on the file of the Inspector of Police, District Crime Branch, Karur, investigation has been completed and charge sheet has been filed before the learned Judicial Magistrate No.II, Kulithalai, which has been taken on file in C.C.No.35 of 2021 and the same is pending disposal. He would further submit that in respect of Crime No.4 of 2020, charge sheet has been filed before the learned Judicial Magistrate No.I, Karur and it has been taken on file in C.C.No.680 of 2023 and the same is pending disposal.



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7. From the perusal of the materials available on record, it is seen that the lands in Survey No.166/5, measuring an extent of 0.11.00 hectares; in Survey No.230/1, measuring an extent of 0.18.00 hectares; in Survey No. 230/5, measuring an extent of 0.27.00 hectares and in Survey No.231/3, measuring an extent of 0.15.00 hectares, which are covered in previous Patta No.2965, situated in Seppalapatty Village, Kulithalai Taluk, Karur District, were in the name of the writ petitioner's grandfather Dharmalingam Chettiar and after his demise, the said properties devolved on his three sons, namely, Natarajan (father of the writ petitioner), Thangavel and Chelladurai and accordingly, they were in common possession and enjoyment of the said properties.

8. The petitioner further claims that he has purchased about 6 $\frac{3}{4}$ cents of land out of 0.11.00 hectares (27 cents) in Survey No.166/5 (excluding his share of 2 $\frac{1}{4}$ cents) from his own brothers and cousins under a sale deed dated 07.05.2001 and thereby, he is the absolute owner of 9 cents of land out of 0.11.00 hectares (27 Cents) and consequently, a joint patta was issued in the name of the writ petitioner and his grandfather Dharmalingam in the year 1985.



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9. According to the writ petitioner, when he applied for chitta and adangal for agriculture loan, he came to know that one Nallusamy, father of Rengaraj / sixth respondent herein executed a settlement deed, dated 07.10.2005, in favour of his son Rengaraj, sixth respondent, in respect of his father Pitchaikaran's share to an extent of 0.6.00 hectares of land in Survey No.145/9, wherein the said Nallusamy fraudulently included the writ petitioner's lands in Survey No.166/5, measuring an extent of 0.11.00 hectares; in Survey No.230/1, measuring an extent of 0.18.00 hectares; in Survey No.230/5, measuring an extent of 0.27.00 hectares and in Survey No. 231/3, measuring an extent of 0.15.00 hectares.

10. It is further represented by the writ petitioner that the said settlement is a fabricated document and it has been executed in respect of a larger extent of land than the father of Rengaraj's entitlement. On the strength of the said settlement, the said Rengaraj obtained a computer Patta bearing No.230.

11. Based on the said settlement deed, the sixth respondent created an equitable mortgage with the third respondent – Bank and availed a loan of Rs.6,09,000/- and the said mortgage has not yet been redeemed



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despite passage of several years and hence, the writ petitioner made a representation to the first respondent seeking to cancel the patta bearing No. 230, issued in favour of the sixth respondent, in respect of the lands comprised in the above said four survey numbers.

12. Based on the Tahsildar's report, the first respondent has cancelled the patta stands in the name of the sixth respondent and restored the names of the writ petitioner and his grandfather Dharmalingam in the revenue records.

13. Based on the said entry in the revenue records, the writ petitioner made a representation, dated 10.01.2020, to the respondent – Bank seeking to release his lands from the mortgage created by the sixth respondent and to pay compensation to him due to the lapse and negligence committed on their part and since the said representation was not considered by the respondent – Bank, he filed the writ petition seeking a direction as stated supra.

14. Admittedly, the entire case of the writ petitioner is that the sixth respondent with the collusion of the revenue officials created forged



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documents and availed loan from the respondent – Bank and therefore, he wants to set aside the settlement deed, nullify the mortgage deed and to remove the encumbrance created over his properties by the sixth respondent.

15. We find that the order passed by the learned Single Judge that the writ petitioner having not obtained any decree from the competent Civil Court for declaring those settlement deed and mortgage deed as fabricated documents, he cannot maintain such a writ petition, since it involves civil dispute and hence, the remedy of the writ petitioner lies elsewhere, is perfectly in order and it does not warrant any interference of this Court as the remedy of the writ petitioner lies elsewhere and not before the writ jurisdiction and hence, we do not find any valid ground to entertain this writ appeal.

16. At this stage, it is made clear that we are not expressing any opinion on the above said criminal cases, which are pending disposal and the learned Judicial Magistrate No.I, Karur and the learned Judicial Magistrate No.II, Kulithalai, shall dispose of the same i.e., C.C.Nos.680 of 2023 and 35 of 2021 respectively, on merits and in accordance with law, without being influenced by any of the observations made by us in this Judgment.



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17. In the result, this writ appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[T.K.R., J.]

[N.S., J.]

29.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note to Office :

Mark a copy of this Judgment to the learned Judicial Magistrate No.I, Karur and the learned Judicial Magistrate No.II, Kulithalai.

To:

1.The Revenue Divisional Officer,
Kulithalai,
Karur District.

2.The Inspector of Police,
District Crime Branch,
District Police Office,
Karur, Karur District.

3.The Sub-Registrar,
Registration Department,
Nangavaram,
Kulithalai Taluk,
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AND
N.SENTHILKUMAR, J.

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JUDGMENT
IN
W.A.(MD) No.1206 of 2020
and
C.M.P.(MD) No.6657 of 2020

29.01.2025