



W.P.(MD) No.18099 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.18099 of 2025

Ponmarimuthu

... Petitioner

Vs.

1.The Sub Collector,
O/o.Sub Collector,
Sivakasi,
Virudhunagar District.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.Ragavendran

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to conclude and dispose of the appeal filed by petitioner in File No. Na.Ka. Aa1/416/2025 dated 05.05.2025.

For Petitioner : Mr.A.Balaji

For R1 and R2 : Mr.M.Gangatharan
Government Advocate



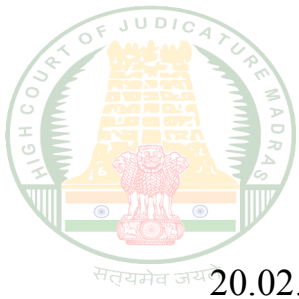
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ORDER

The petitioner herein seeks a direction to the first respondent to dispose of the appeal filed by the petitioner dated 15.04.2024 and complete the enquiry initiated by the first respondent in his File No. Na.Ka. Aa1/416/2025 dated 05.05.2025.

2. According to the petitioner, his father Subbaiya was the original owner of properties situated in survey number 286/2A2C situated at Chettiyarpatti Village, Virudhunagar District. The patta for the subject property originally stood in the name of the petitioner's father Subbaiya and he died on 28/12/1993. It is the case of the petitioner that his father borrowed Rs.30,000/- from the father of the third respondent Meenakshi Sundaram who was a money lender. As a collateral security for the loan transaction, the petitioner's father executed a trust deed and registered the same as document No.637 of 1992 on the file of the Sub Registrar, Parasala, Kerala. Based on the said trust deed executed by the petitioner's father, the Meenakshisundaram created a fraudulent sale deed dated 30.05.2019. After the death of Meenakshisundaram, the legal heirs executed a settlement deed in favour of the third respondent herein on



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20.02.2025. Based on these registered sale deeds and settlement deed, patta was transferred in the name of the third respondent. Since the documents relied on by the third respondent are fraudulent documents, petitioner submitted the instant appeal before the first respondent seeking cancellation of the Patta and restoration of patta in the name of the petitioner.

3. Even from the averments in the affidavit filed in support of the writ petition, the petitioner's father executed a registered document in the year 1992 and based on the said document, two other registered documents came into existence on 30.05.2019 and 20.02.2020. Only if those registered documents are held to be fraudulent documents as content by the petitioner, the patta issued in the name of the third respondent can be cancelled. The first respondent is not a competent authority to decide about the fraudulent nature of the registered document and it is for the petitioner to move the Civil Court for seeking declaration that the registered documents are fraudulent. In these circumstances, this Court is not inclined to issue any mandamus to the first respondent, to consider the appeal filed by the petitioner.



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4. Accordingly, this writ petition is dismissed. No costs.

04.07.2025

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

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To

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S. SOUNTHAR, J.

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