

W.P.(MD) No.20991 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.20991 of 2022

Arasan

... Petitioner

vs.

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Thasildar,
Andipatti Taluk,
Theni District.

4.Ponnuchamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent dated 06.07.2022 passed in his proceeding in Na.Ka.No.37577/2018/T2 and quash the same as illegal and consequently direct the third respondent to restore the joint patta in Patta No.301 in the revenue records in regard to the property in S.No.27/6 of Ramakrishnapuram Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.S.Sukumar

For Respondents : Mrs.K.Malathi

Additional Government Pleader for R1 to R3

: No Appearance for R4



W.P.(MD) No.20991 of 2022

WEB COPY

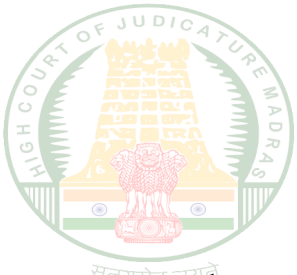
ORDER

The petitioner has filed the present writ petition challenging the order of the first respondent/District Revenue Officer, dated 06.07.2022.

2.The case of the petitioner is that he is the purchaser of the lands measuring 49 cents comprised in Ayan S.No.27/6 at Ramakrishnapuram Village, Andipatti Subdivision, Periyakulam, Theni District, from one Pandi S/o Subbanaicker. The further case of the petitioner is that a joint patta was issued in the name of the petitioner's vendor, Pandi and the fourth respondent and the same was mutated, including the name of the petitioner, subsequent to his purchase on 26.10.2007. The fourth respondent, in the meantime, filed civil suits in O.S.No.117 of 2006 against the petitioner's vendors and O.S.No.151 of 2007 against the petitioner herein. The fourth respondent also moved the second respondent for cancellation of the joint patta. However, the second respondent, by order dated 05.12.2008, rejected the said application of the fourth respondent citing the pendency of suits before the competent civil Court. However, taking advantage of ex-parte decree in O.S.No.117 of 2006 filed against the petitioner's vendor, the third respondent successfully removed the petitioner's name from the joint patta in Patta No.301, despite the suit in O.S.No.151 of 2007 filed against the petitioner being pending on the relevant date.

The petitioner, on coming to know about the said cancellation of the joint patta, filed

<https://www.mhc.tn.gov.in/judis>



W.P.(MD) No.20991 of 2022

WEB COPY

an application before the third respondent. The third respondent conducted an enquiry and by order dated 18.09.2013, directed inclusion of the petitioner's name and thereby restored the joint patta in Patta No.301. Aggrieved by the said order of the third respondent, the fourth respondent filed an appeal before the second respondent seeking cancellation of the joint patta including the petitioner's name. The petitioner has also filed a civil suit in O.S.No.127 of 2014 before the District Munsif Court, Andipatti, against the fourth respondent, initially for the relief of permanent injunction and subsequently amended the plaint and included the relief of declaration. It is also an admitted fact that an ex-parte interim injunction was granted on 13.04.2016, however, subsequently, the suit was also dismissed for non-prosecution. However, according to the petitioner, an application was taken out by the petitioner and the suit has been restored to file and the same is now pending trial. In the meantime, the second respondent, in and by proceedings dated 07.12.2017, cancelled the joint patta, including the petitioner's name. The grievance of the petitioner is that when the suit was pending in O.S.No.127 of 2014, the second respondent ought not to have usurped the rights of the civil Court and passed the impugned order. Taking advantage of the order, separate patta was also issued in the name of the fourth respondent in respect of the lands in S.No.27/6. The same was challenged by the petitioner in W.P(MD)No.4244 of 2018. However, the writ



W.P.(MD) No.20991 of 2022

सत्यमेव जयते
WEB COPY

petition was disposed of with a direction to the second respondent to pass orders on the revision filed by the petitioner, on merits and in accordance with law. Thereafter, the impugned order came to be passed by the first respondent, confirming the order of the second respondent dated 07.12.2017.

3.I have heard the learned counsel on either side. Though a counter affidavit has also been filed by the fourth respondent, there is no appearance today.

4.It is the specific case of the petitioner that though the first respondent has cited the cancellation of the document in favour of the petitioner as the primary reason for sustaining the order of the second respondent dated 07.12.2017, the proceedings of the Inspector General of Registration, Chennai, have not even been referred to or looked into by the first respondent or the second respondent. In this connection, the learned counsel for the petitioner would invite my attention to the proceedings of the Inspector General of Registration, Chennai, where the Inspector General of Registration has clarified that the circular originally issued in Circular No.67 of 2011 has been recalled and therefore there is no power on the registering authorities to cancel any registered document or hold that such documents are null and void and the proper remedy would be to file a civil suit. Ignoring the said categorical directions of the Inspector General of Registration, the first respondent has proceeded to pass the impugned order based on the finding that the sale deed in



W.P.(MD) No.20991 of 2022

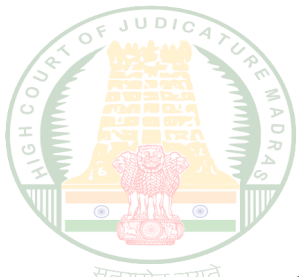
सत्यमेव जयते
WEB COPY

favour of the petitioner has been declared as fraudulent by the District Registrar, without noticing the circular of the Inspector General of Registration, Chennai, dated 28.03.2018.

5.The learned Additional Government Pleader would submit that the disputed lands in S.No.27/6, Ramakrishnapuram Village, Andipatti Taluk, Theni District, were measuring 1.98 acres as per the revenue records during the SLR settlement and the fourth respondent has purchased the lands in S.No.27/6 in and by the sale deed, dated 05.10.2000 in Document No.2659 of 2000. It is the case of the petitioner that he purchased 49 cents of the said S.No.27/6 under the registered sale deed dated 26.10.2007 in Document No.5093 of 2007. The first respondent placed reliance on the findings of the District Registrar that the sale deed in favour of the petitioner was fraudulent. The first respondent has also accepted the observations of the second respondent that the civil suit filed by the petitioner in O.S.No.127 of 2014 had also been dismissed and only pending the writ petition, the suit was restored to file. It is therefore contended by the respondents that there is no infirmity or illegality in the order passed by the first respondent.

6.However, considering the fact that the petitioner's suit for declaration and injunction is pending and in and by circular in Reference No.K3/27160/2008, dated

<https://www.mhc.tn.gov.in/judis>

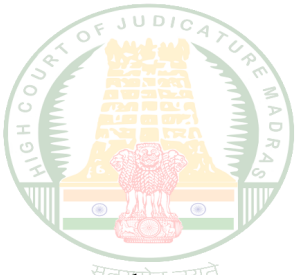


W.P.(MD) No.20991 of 2022

13.03.2018, the Commissioner of Land Administration, Ezhilagam, Chepauk, has
WEB COPY

given directions to the Revenue Divisional Officers and the District Revenue Officers to comply with the directions of this Court in W.P.No.9215 of 2013, dated 23.10.2017. The instruction (d) is with regard to the pendency of civil suits over disputed lands and in such circumstances, the revenue authorities should stay away and direct the parties to seek remedy before the pending suits and thereafter, approach the revenue authorities based on the judgment and decree of the civil court. The Revenue Divisional Officers and the District Revenue Officers were called upon to scrupulously ensure the directions issued by the Commissioner of Land Administration are followed. Unfortunately, despite noticing the fact that the suit had been filed by the petitioner for declaration and injunction, the first respondent has proceeded to place reliance on the order of the District Registrar holding that the petitioner's sale deed is fraudulent, without noticing the subsequent order passed by the Inspector General of Registration, Chennai, setting aside the order of the District Registrar in view of the circular itself being withdrawn, the registration authorities cannot declare the documents to be null and void.

(*)7. Therefore, on this limited ground itself, the order of the first respondent impugned in the writ petition, rejecting the claim of the petitioner, is unsustainable and liable to be set aside. Consequently, the order of the second respondent is liable



W.P.(MD) No.20991 of 2022

सत्यमेव जयते
WEB COPY

to be set aside. Admittedly, the patta No.301 was issued in the joint names of the petitioner and the fourth respondent and therefore, the said position shall be restored by the third respondent/Tahsildar. This shall be subject to the final outcome of the civil suit in O.S.No.127 of 2014 on the file of the District Munsif Court, Andipatti. The third respondent shall restore the patta in the joint names of the petitioner and the fourth respondent within a period of four weeks from today.

8.With the above observations, this Writ Petition is allowed. No costs.

Sd/-

06/11/2024

(*)Corrected as per order of this Court dated 16/04/2025 made in WP(MD)No. 20991 of 2022

Sd/-

Assistant Registrar (RTI)

// True Copy //

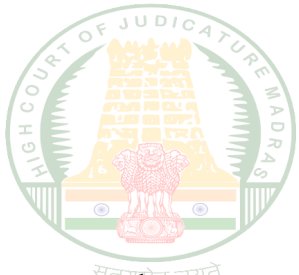
/02/2025

Sub Assistant Registrar(CS)

sjj

To

1.The District Munsif,
Andipatti.



W.P.(MD) No.20991 of 2022

2.The District Revenue Officer,
Theni District, Theni.

3.The Revenue Divisional Officer,
Periyakulam, Theni District.

4.The Thasildar,
Andipatti Taluk,
Theni District.

+1 CC to M/s.SPL.GP (SR-12012[F] dated 25/02/2025)

+1 CC to M/s.S.SUKUMAR, Advocate (SR-12153[F] dated 25/02/2025)

W.P.(MD) No.20991 of 2022

24.02.2025

SL (18.03.2025) / 8P/ 7C

MGJ(21/04/2025) / 8P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.