



W.P.(MD) No.23249 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.23249 of 2022

S.Paramasivam

... Petitioner

-Vs-

- 1.The Assistant Commissioner,
Land Administrative Office,
Chennai-05.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The District Revenue Officer,
Collectorate Campus,
Virudhuangar,
Virudhuangar District.
- 4.The Sub Collector/Revenue Divisional Officer,
Revenue Divisional Office,
Sivakasi, Virudhuangar District.
- 5.The Sub Registrar,
Sub Registrar Office,

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Police Station Road,
Sivakasi, Virudhuangar District.

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6.The Thasildar,
Taluk Office,
Sivakasi,
Virudhunagar District.

7.S.Subbulakshmi
8.A.Kannusamy
9.R.Seenivasan
10.G.Chellammal
11.A.Palaniammal
12.K.S.Kannan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 to cancel the documents No. 1720/2022 (Partition Deed) and 1777/2022 (sale deed) by conducting the enquiry, registered before the sub Registrar Office, Sivakasi by considering petitioner's representation dated 22.03.2022 within time stipulated by this Court.

For Petitioner	: Mr.D.Balamurugapandi
For R1 to R6	: Mr.P.Thilak Kumar
	Government Pleader
For R7, 8 & 11	: Mr.B.Muneeswaran
For R9 & R10	: Mr.B.N.Rajamohamed
For R12	: Mr.A.K.Manikkam



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ORDER

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[Order of the Court was made by *J.NISHA BANU, J.*]

This writ petition has been filed seeking a direction to the official respondents herein to cancel the registered documents by considering the representation of the petitioner dated 22.03.2022.

2.The contention of the writ petitioner is that the subject property was taken over by the Government for constructing Karutholai Kanmai. Thereafter, the said land was abandoned. Hence, the Government made arrangements to issue patta for the said property to the landless poor. In the meanwhile, the respondents 7 to 13 have illegally created encumbrance over the property by way of registering the documents before the Sub Registrar, Sivakasi, thereby prevented the Government from issuing patta to the landless poor. In this regard, the petitioner has made a representation before the authorities concerned. Since the same was not acted upon, the petitioner has filed this writ petition.

3. At the outset, this Writ Petition is not maintainable, since the registering authority has no power to cancel the document already registered. That apart the issue of title and fraudulent transaction cannot be gone into by the

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authorities as well as by this Court under Article 226 of the Constitution of India ,
which has to be established in the manner known to law before the civil Court.

4. Accordingly, this writ petition is dismissed with liberty to the petitioner to approach the civil Court to redress his grievance, if so advised. No costs.

[J.N.B., J.] & [S.S.Y., J.]
01.04.2025

NCC : Yes / No
Index : Yes / No

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4.The Sub Collector/Revenue Divisional Officer,
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