
(2015) 06 MAD CK 0364

In the Madras High Court

Case No : Writ Petition (MD) No. 6806 of 2014

S. Nova

APPELLANT

Vs

The District Registrar, Madurai and Others

RESPONDENT

Date of Decision : 08-06-2015

Acts Referred:

Citation : (2015) 06 MAD CK 0364

Hon'ble Judges : R. Mahadevan, J

Bench : Single Bench

Advocate : S. Rajasekar, for the Appellant; S. Chandrasekar, Government Advocate, Advocates for the Respondent

Final Decision : Disposed off

Judgement

R. Mahadevan, J—The petitioner seeks for a Mandamus directing the respondent No. 1 to cancel the forged sale deed No. 600/2010 executed by the respondent Nos. 4 and 5 dated 18.01.2010 to an extent of 0.57 acre in Survey No. 192/2 patta No. 1967 Thanakkan Kulam Village, Thirunagar, Madurai South Taluk, Madurai - 6 in view of the orders passed by the respondent Nos. 2 and 3 dated 28.07.2010 and 14.01.2011.

2. The case of the petitioner is that he is residing at No. 15B, GST Road, Thanakkan Kulam Village, Thirunagar, Madurai South Taluk, Madurai - 6 and he is running a College and Hospital in the name and style Joy Physiotherapy College and Hospital in the above mentioned address. The land situated near by his College to an extent of 0.57 Acre, in survey No. 192/2, Patta No. 1967, Thanakkan Kulam Village, Thirunagar, Madurai South Taluk, Madurai - 6 was acquired by the National Highways in the year 1983. Though the land was acquired by the Highways, it is not utilized for their purpose till today. Till now, the petitioner is utilizing the said land as pathway to his house and college for the past 23 years without any hindrance. The respondents 4 and 5 in order to grab the said property viz., to an extent of 0.57 Acre, in survey No. 192/2, Patta No. 1967, Thanakkan Kulam Village, Thirunagar, Madurai South Taluk, Madurai -

6 criminally conspired and on 18.01.2010, the fifth respondent had executed a forged sale deed of the said property in favour of the respondent No. 4. Subsequently, they registered the sale deed on 18.01.2010 with the first respondent office. The fourth respondent and others also tried to occupy the petitioner's college and demolished the college wall and stolen some properties and threatened the petitioner and his father-in-law with dire consequences. Regarding that two criminal cases were registered against the fourth respondent. The petitioner made a representation to the third respondent requesting him to cancel the forged sale deed and patta executed by the fifth respondent in favour of the fourth respondent dated 18.01.2010. On 28.07.2010, the third respondent passed an order to cancel the forged sale deed dated 18.01.2010. But the sale deed and patta are not cancelled till today. Subsequently, the petitioner made an appeal before the second respondent to cancel the forged sale deed. On 14.01.2011, the District Revenue Officer also confirmed the order dated 28.07.2010 passed by the Revenue Divisional Officer. But both the orders of the second and third respondents are not complied with by the first respondent. Thereafter, on 04.04.2014, the petitioner sent a detailed representation to the first respondent to cancel the forged sale deed. Till date, no action has been taken by the first respondent. Hence, the petitioner has come before this Court with the relief stated supra.

3. The learned counsel appearing for the petitioner would submit that it would be suffice if the representation of the petitioner is disposed of, by the respondent, on merits and in accordance with law within the time stipulated by this Court.

4. The learned Government Advocate appearing for the official respondents submitted that the first respondent will consider the representation of the petitioner on merits and in accordance with law.

5. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the first respondent is directed to pass appropriate orders on the representation of the petitioner, dated 04.04.2014, on merits and in accordance with law, after due opportunity of hearing to the petitioner and the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.