

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10125 of 2015

N.Maruthuvamani

...Petitioner

1. The Sub Registrar
Registration Office
Cheyyur, Kancheepuram District

2. Inbarasan

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to change the entry in favour of the petitioner's name N.Maruthuvamani from the second respondent in view of the judgment and decree passed in O.S.No.127/2009 on 13.11.2009.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for R1

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that his father was in possession of lands in Survey No.543 admeasuring to an extent of 3 acres and 45 cents in patta No.884 of Sonambedu, Madura Villivakkam Village, Cheyyur Taluk, Kancheepuram District, and he expired in the year 1996. The petitioner would further state that the second respondent managed to transfer the said land in his favour illegally as if he has purchased it through a sale deed dated 25.6.2006, from one

Natesan and in this regard, the petitioner and six others had filed a suit in O.S.No.127/2009, on the file of the Court of District Munsif at Maduranthagam, praying for a declaration that the sale deed dated 25.6.2006, executed by D2 (Natesan) in favour of D1 (Inbarasan), is null and void and liable to be set aside and also for a permanent injunction restraining the defendants from interfering with their possession and enjoyment of the same. D1 has filed a memo submitting to the decree and D2 remained absent and was set ex-parte and the said Court vide judgment dated 13.11.2009, has decreed the suit as prayed for. Subsequently, the petitioner submitted a representation dated 31.5.2010, to the first respondent praying for removal of the name Inbarasan, pursuant to the above said decree and since it was not disposed of, he filed W.P.No.16512/2010, praying for issuance of a writ of mandamus directing the second respondent to change the patta in his name and it was disposed of on 25.3.2013, by directing the petitioner to submit a representation to the first respondent, who in turn was directed to consider and dispose of the same within a stipulated time. According to the petitioner, the patta was changed in his name. Subsequently, the petitioner filed W.P.No.21987/2013, praying for the very same relief now sought for in this writ petition, and it was dismissed on the ground of non-joinder of necessary party viz. the second respondent herein, and hence, the petitioner came forward to file the present writ petition.

3.Mr.P.Vijendran, learned Counsel appearing for the petitioner, would submit that in spite of the fact that pursuant to the Civil Court decree, patta has been changed in his name, till date the name of the second respondent finds place in the relevant records maintained by the first respondent, and hence, prays for allowing the writ petition.

4.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who took notice for the first respondent, also.

5.Though the petitioner prayed for a larger relief, this Court is of the view that it would suffice to permit him to submit one more representation to the first respondent by enclosing a copy of his earlier representation dated 31.5.2010, and direct the first respondent to dispose of the same within a time frame, taking into consideration the Civil Court decree as well as the patta transfer effected in the name of the petitioner.

6.This Court, without going into the merits of the case projected by the petitioner, permits the petitioner to submit a fresh representation to the first respondent by enclosing a copy of his earlier representation dated 31.5.2010, and also necessary documents, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider it and pass orders on merits and in accordance

with law, after putting the concerned persons on notice, as expeditiously as possible and not later than four weeks therefrom. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

nsv

To

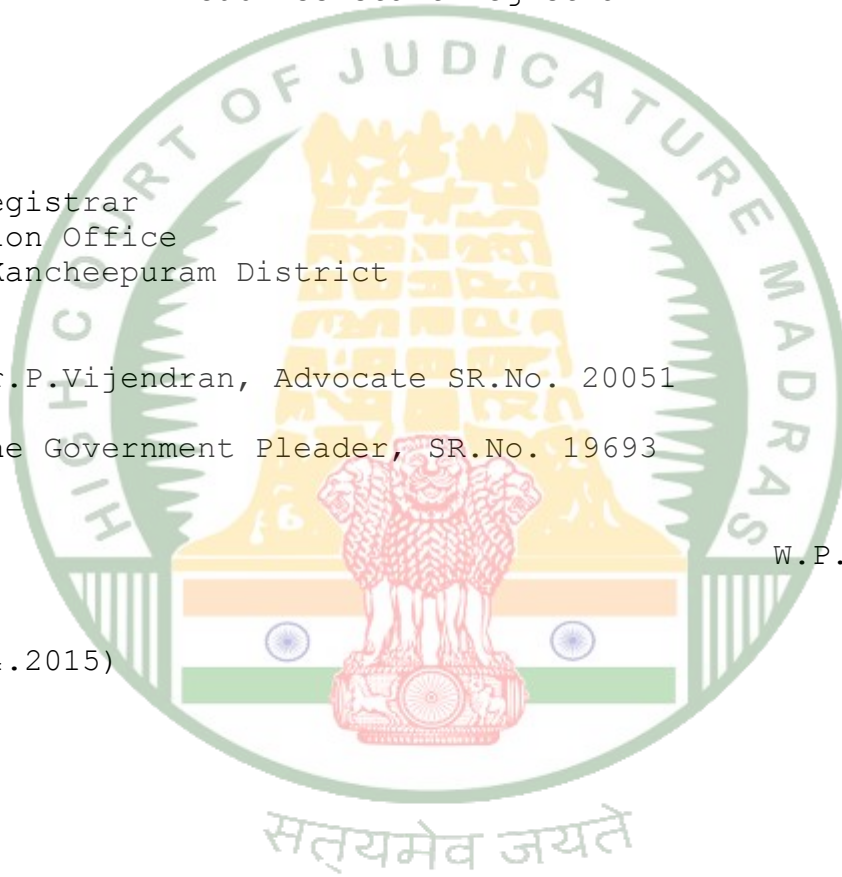
The Sub Registrar
Registration Office
Cheyyur, Kancheepuram District

1 CC to Mr.P.Vijendran, Advocate SR.No. 20051

1 CC to the Government Pleader, SR.No. 19693

W.P.No.10125 of 2015

CA (CO)
PSI (27.04.2015)



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