IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.15533 of 2015
and
M.P.No.1 of 2015

H.Balkes Bee .. Petitioner

vs

1.The District Registrar (Admin)
On the capacity of
Assistant Inspector General of
Registration
South Chennai, Santhome
Chennai 600 004

2.The Sub Registrar
O/o. The Sub Registrar of Pallavaram
Chennai

3.M.Paulraj .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to pass an appropriate order on the protest petition filed by the petitioner dated 19.2.2015.

For Petitioner : Mr.K.Shahul Hameed

For Respondents : Mr.Rm.Muthukumar
Government Advocate
for RR1 & 2

ORDER

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

2.The petitioner claims that her father late M.A.Hakeem purchased a property situated in Keelkattalai Village bearing Survey No.301/7A2 admeasuring to an extent of 0.13 cents and the land admeasuring to an extent of 0.34 cents in Survey No.301/3, totally measuring to an extent of 0.47 cents, by means of a registered sale deed dated 7.10.1967, registered as Document No.1738 of 1967, on the file of the Office of Sub Registrar, Pallavaram and the possession was also handed over and patta was also issued. Subsequently, the original purchaser died and so also his wife and the legal heirs enjoyed the property as co-owners. The petitioner being one of the legal heirs of the original owner, approached the second respondent

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for getting Encumbrance Certificate and she was informed that there is an encumbrance with regard to the power of attorney document pending as Document No.P26/2015. The grievance expressed by the petitioner, is that no such power of attorney has been executed and by playing fraud, it is sought to be registered and in this regard, she submitted an objection/complaint dated 19.2.2015, to the second respondent, who, in turn, sent a communication dated 31.3.2015, and forwarded necessary papers to the first respondent. The petitioner has also lodged a complaint on the file of the Additional Commissioner of Police, Vepery, on 21.4.2015.

3.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.Rm.Muthukumar, learned Government Advocate, who accepted notice for the respondents 1 and 2.

4.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 19.2.2015, in accordance with law, after putting on notice, the third respondent, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner as well as to the third respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nsv

To:

1.The District Registrar (Admin)
On the capacity of
Assistant Inspector General of
Registration
South Chennai, Santhome
Chennai 600 004

2.The Sub Registrar
O/o. The Sub Registrar of Pallavaram
Chennai

1 cc to M/s.K. Shahul Hameed, Advocate, Sr. 26240
1 cc to Government Pleader, Sr. 26438

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