

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.17108 OF 2015

1. Dr.R.Jagan
2. R.Thamaraiselvan ...Petitioners

-vs-

1.The Inspector General of
Registration,
O/o.the Inspector General
of Registration,
No.100, Santhome High Road,
Chennai-600 028.
2.Vaidyanathan
3.Visalakshi ...Respondents

Respondents 2 and 3 are impleaded
as per order, dated 22.06.2015, made
in M.P.No.1 of 2015.

Writ Petition has been filed, praying for issuance of a writ
of mandamus, directing the first respondent to dispose of the
appeal, dated 09.12.2014, pending on his file, within a specified
time.

For petitioner : Mr.C.R.Prasanan
For respondent 1 : Mr.V.Subbiah,
Special Government Pleader.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioners would state that the land admeasuring 2400
sq.ft. in S.F.No.83, situate in Telugupalayam village, Coimbatore
District, belongs to one C.P.Thimbiannan and others, and one Janaki
Ammal was a tenant in respect of the superstructure. She claimed
title for the land and superstructure by filing a suit in
O.S.No.3826 of 1996 on the file of District Munsif Court,
Coimbatore, which was dismissed by a judgment and decree, dated
06.02.2001, and no further challenge has been made thereto. It is
the further case of the petitioners, that, after the death of
Janaki Ammal, the grandson of Janaki Ammal, namely, Vaidyanathan,
refused to vacate the superstructure and, in the meantime, the
owners sold the property to the petitioners under a registered sale

deed. Thereafter, the petitioners terminated the tenancy of Janaki Ammal through a lawyer's notice, dated 04.02.2008, for which, Vaidyanathan sent a reply, stating that he is claiming right and possession through a Will executed by Janaki Ammal and, therefore, the petitioners filed a suit in O.S.No.208 of 2008 on the file of District Munsif Court, Coimbatore, praying for delivery of possession, and the same is pending.

3. According to the petitioners, they came to know that one Visalakshi, wife of Vaidyanathan, has also put up an unauthorised superstructure on the premises and leased out the same to various tenants. She has also filed a suit in O.S.No.695 of 2012 on the file of Additional District Munsif Court, Coimbatore, against the petitioners, praying for a permanent injunction, and the same is also pending.

4. It is the specific case of the petitioners that the registered Will, dated 13.02.1998, and two settlement deeds, allegedly said to have been executed by Janaki Ammal in favour of her daughter and grandson and the other settlement deed, which is also allegedly said to have been executed by her grandson in favour of his wife, are fraudulent, as is evident from the circular bearing No.67, dated 03.11.2011, issued by the first respondent. The petitioners would further submit that the District Registrar, Coimbatore, vide his order dated 15.10.2014, has rejected the case of the petitioners, on the ground of pendency of suit in O.S.No.695 of 2012, and, aggrieved over the same, they filed an appeal before the first respondent on 09.12.2014 and, since it has not been disposed of for a long time, they have come forward before this Court by way of this Writ Petition.

5. Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, appearing for the first respondent.

6. This Court, in view of the limited relief sought for, and, without going into the merits of the case, directs the first respondent to dispose of the appeal of the petitioners, dated 09.12.2014, in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order, after putting the respondents 2 and 3 on notice, and communicate the decision taken thereon to the petitioners as well as the other respondents.

7. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

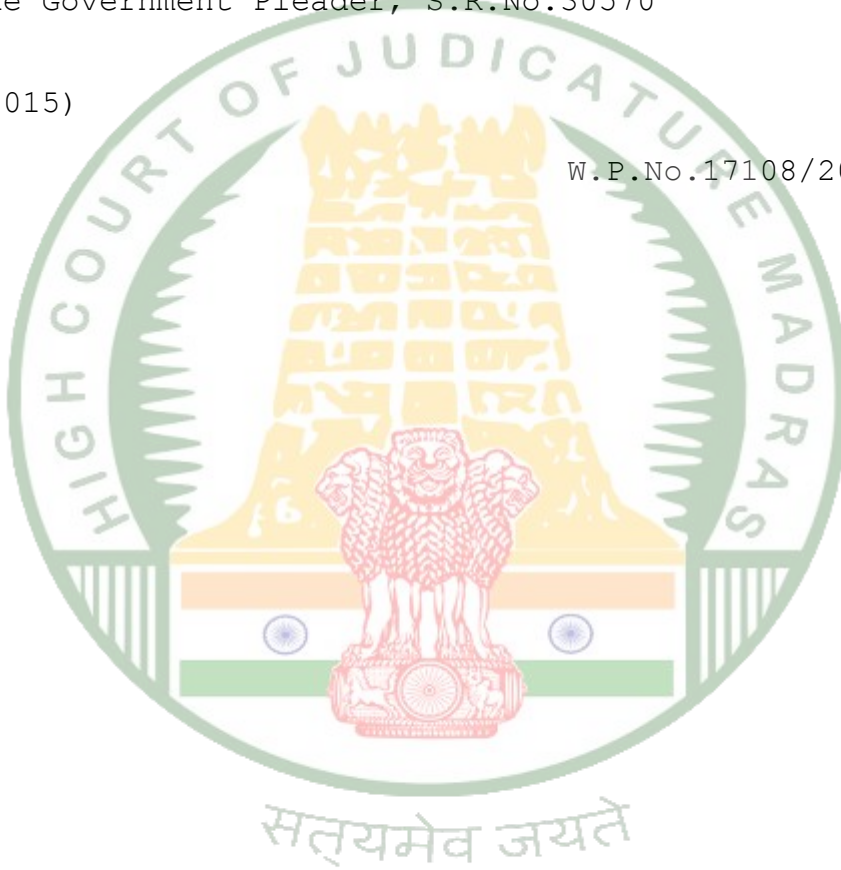
The Inspector General of Registration,
O/o.the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

+1cc to Mr.C.R. Prasanan, Advocate, S.R.No.30645

+1cc to the Government Pleader, S.R.No.30570

KSJ(CO)
EU(02/07/2015)

W.P.No.17108/2015



WEB COPY