

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17337 of 2015 and M.P.No.1/2015

Tmt.R.Padmavathy

... Petitioner

Vs.

1. The District Registrar
Office of the District Registrar (Registration)
Tirupur,
Tirupur District
2. The Sub-Registrar,
Dharapuram,
Tirupur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's petition dated 12.2.2015 seeking to cancel the registration of the sale agreement dated 16.10.2014 registered as Document No.6997/2014 in the office of the Sub-Registrar, Dharapuram by exercising the power under Section 83 of the Registration Act read with the Circular No.67 dated 03.11.2011 issued by the Inspector General of Registration, Chennai.

For Petitioner : Mr.R.Asokan

For Respondents : Mr.R.M.Muthukumar, G.A.

ORDER

By consent of the learned counsel appearing on either side, the writ petition is taken up for disposal at the admission stage itself.

2. The petitioner in the affidavit filed in support of the petition would state among other things that one T.Ratnasabapathy acting as power of attorney had sold properties in new Town Survey No.76 (Old T.S.No.710/1A), 5/8th share in the property measuring 0.0304.0 sq.mtr in New T.S.No.61 (Old T.S.No.710/1B) and the passage and 5/8th share in the property measuring 0.0360 sq.mtr in New T.S.No.75 (Old T.S.No.710/D) in Dharapuram Town in favour of one D.R.Ramasamy by means of a registered sale deed dated 18.6.1996 and subsequently deficit stamp duty was also collected. After the demise of D.R.Ramasamy, his son and two daughters, which include the petitioner, had succeeded to the properties left by their father and

they were in joint possession of the same. Subsequently her brother and sister have released their 2/3rd share in the properties and thereby the petitioner claims that she is the absolute owner of 4/5th share in the properties in question.

3. In the affidavit, the petitioner would further state that one Dhanalakshmi, another daughter of Mr.Srinivasan filed suit in O.S.No.60 of 1996 before the District Munsif Court, Dharapuram for partition and possession of her 1/5th share in the said property and a preliminary decree was passed and in terms of the final decree in I.A.No.23 of 2013 the property was divided into five parts and she was allotted 1/5th share and put in possession and in the portion of the property under the said decree. The petitioner would state that her share was reduced and the legal heirs of Srinivasan, who had sold their share in the property through their power of attorney -Rathnasabapathy appears to have entered into registered sale agreement dated 16.10.2014 for the sale of the very same property and on account of the registration of the same, the petitioner would state that she is unable to deal with the property. Therefore the petitioner issued a legal notice to the 2nd respondent to cancel the registration of the said sale agreement and subsequently approached the 1st respondent by means of Petition/representation dated 12.2.2015 to cancel the registration of sale agreement dated 16.10.2014. Since she has not been favoured with any kind of response, she came forward with the present writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.M.Muthukumar, learned Government Advocate, who accepts notice for respondents.

5. This Court, taking into consideration of the limited scope of the relief sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation/ petition dated 12.2.2015 in accordance with law within a period of eight weeks from the date of receipt of copy of this order, after putting on notice the persons concerned viz., the legal heirs of Mr.Srinivasan. The 1st respondent shall also communicate the decision taken to the petitioner as well as the persons concerned.

The writ petition is disposed of accordingly. However, there is no order as to costs. The Connected MP also is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

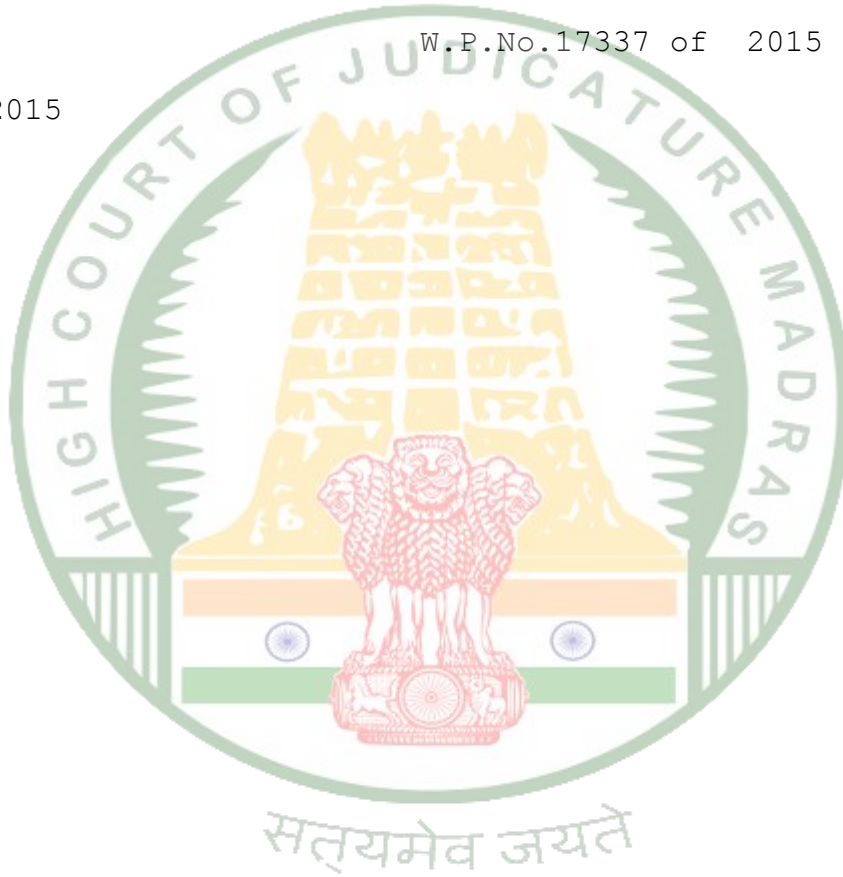
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Office of the District Registrar (Registration)
Tirupur,
Tirupur District

2. The Sub-Registrar,
Dharapuram,
Tirupur District.

1 cc to Mr.R.Asokan , Advocate Sr.No.29856

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pmk.26.6.2015



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