

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20950 of 2015

Perumal

... Petitioner

Versus

The Sub-Registrar

O/o. Sub-Registrar Katpadi-632007.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondent to cancel the registration of the Document No.5414 of 2003 dated 15.12.2003 from the file of the Respondent on the basis of the decree made in O.S. No.257 of 2009 dated 27.01.2010 by the District Munsif Court Katpadi Vellore District based on the petitioner representation dated 19.06.2015 and within a time frame fixed by this Honourable Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.M.Dig Vijaya Pandian
Additional Government Pleader.

O R D E R

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

2. The petitioner claims that he has purchased the lands admeasuring to an extent of 0.59 cents, 0.50 cents, Acre 1.40 cents, 0.07.2 Ha., and 0.10 cents comprised in Survey Nos.159/5, 159/6A, 161/1, 159/4E, 159/1L and 159/4, respectively, situated in Lakshmipuram Village, Illayanallur Madhura, Melpaadi Sub Taluk, Katpadi Taluk, Vellore District, by means of a registered sale deed bearing Document No.2340 of 2002 on the file of the Sub Registrar, Katpadi.

3. The petitioner would further state that during the year 2003, his elder son viz., Kanniyappan, coerced to take the portion of the property and accordingly, he executed a sale deed dated 19.12.2003, registered as Doc.No.5414 of 2003, on the file

of the respondent in favour of his son and daughter-in-law viz., Thilagavathi.

4. The petitioner during the year 2009, came to know about the fraud practiced by his son by including the entire extent of land in the said sale deed, which was executed in his name as well as in the name of his wife and therefore, the petitioner has filed O.S.No.83 of 2009 on the file of the Court of District Munsif at Wallajah, Vellore District and it was transferred to the file of the Court of District Munsif, Katpadi and re-numbered as O.S.No.257 of 2009 and the said suit was filed, praying for a declaration to cancel the registered sale deed dated 15.12.2003. The defendants remained exparte and an exparte decree came to be passed on 27.01.2010 and it is the specific claim of the petitioner that no steps have been taken by his son and daughter-in-law either to set aside the exparte decree or to file an appeal and it has become final.

5. The petitioner would further state that his son and daughter-in-law has also filed O.S.No.83 of 2010 on the file of the Court of District Munsif at Wallajah, Vellore District, praying for permanent injunction restraining the petitioner and three others from in any way interfering with their peaceful possession and enjoyment of the suit property and it was transferred to the file of the Court of District Munsif, Katpadi and re-numbered O.S.No.232 of 2010 and the said suit was dismissed as "not pressed".

6. The petitioner armed with the decree in O.S.No.257 of 2009 passed in his favour has approached the respondent for registration of the same and since no response was forth coming, he has submitted a representation dated 19.06.2015 to the respondent praying for registration of the said decree and since, he has not been favoured with any response, came forward to file this writ petition.

7. Heard the submissions of the learned counsel appearing for the petitioner and Mr.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

8. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the respondent to consider the petitioner's representation dated

19.06.2015, in accordance with law, after putting on notice the persons concerned and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the persons concerned.

9. The writ petition is disposed of, accordingly. No Costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst.

To

1. The Sub-Registrar
O/o. Sub-Registrar Katpadi-632007.
2. The district Munsif Court,
Katpadi Vellore District.

+1cc to Mr.S.N.Ravichandran Advocate sr.no.35535

+1cc to Government lpleader sr.no.35701

W.P.No.20950 of 2015

skv[col]
srg 27.07

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