

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22767 of 2015

M.Saradha

.. Petitioner

- Vs -

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 049.
2. The Sub-Registrar,
Avadi, Chennai 600 054.
3. D.Palani Chettiar
4. Radhakrishnan
5. Venkateswar Rao
6. Krishna Kumar Nahar

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to consider and pass orders on petitioner's representation dated 17.06.2015 addressed to the respondents.

For Petitioner : Mr.M.Dhandapani

For Respondents 1 & 2 : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

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

2. The petitioner would state that her husband, who is no more, has purchased dry agricultural lands to an extent of 0.36 cents comprised in S.No.20/2 at Korattur Village, Poonamallee Taluk, Tiruvallur District from Mrs.Nagamma and six others vide registered sale deed dated 05.04.2006, registered as document No.2284/2006 on the file of the Sub Registrar, Avadi. She would further state that her husband has also purchased another piece of dry agricultural land measuring an extent of 0.41 cents comprised in S.No.22/5 at Korattur Village, Poonamallee Taluk, Tiruvallur District from Mrs.Nagamma and five others vide registered sale deed dated 05.04.2006, registered as document No.2286/2006 on the file of the Sub Registrar, Poonamallee.

The petitioner would further state that after the purchase, her husband was in possession and enjoyment of the same and one Mr.Palani Chettiyar, the third respondent herein, in order to grab the said property, created a fake document in respect of the above said property and had got it registered on 10.08.2005 vide document No.4521 of 2005. The husband of the petitioner on coming to know of the same, filed a suit in O.S.No.224 of 2010 on the file of the learned Additional District Munsif, Poonamallee against respondents 3 to 6 as well as the second respondent, praying for a declaration to declare the sale deed dated 10.08.2005, as null and void and permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the same. The said suit after contest came to be decreed in favour of the husband of the petitioner on 08.08.2012 and no appeal has been preferred against the said judgment and the same has become final. The husband of the petitioner died and therefore the petitioner has approached the first respondent to cancel the said document by submitting a representation dated 17.06.2015, stating among other things, in the light of the decree in the above said suit, the document is liable to be cancelled. The grievance now expressed by the petitioner is that though the representation was acknowledged, no orders has been passed by the first respondent and hence she came forward to file this writ petition.

3. Heard the submissions of Mr.M.Dhandapani, learned counsel appearing for the petitioner. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

4. This Court taking into consideration the limited scope of the prayer made in this writ petition, without going into the merits of the same, directs the first respondent to consider and dispose of the representation of the petitioner dated 17.06.2015, on merits and in accordance with law after putting on notice the respondents 3 to 6 and pass orders 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 the private respondents. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 049.

2. The Sub-Registrar,
Avadi, Chennai 600 054.

+lcc to Mr.M.Dhandapani, Advocate sr.38701
+lcc to Government Pleader, sr.38731

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srg 07.08.2015



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