

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23163 of 2015

S.K.Sekar

... Petitioner

Vs.

- 1 Government of Tamil Nadu
Represented By its Secretary Department of
Commercial Taxes & Registration Secretariat
Fort St.George Chennai-600 009.
- 2 Inspector General of
Registration No.100 Santhome High Road
Chennai-600 028.
- 3 District Registrar (Admin)
Chennai South Saidapet Chennai-600 015.
- 4 Sub Registrar
Pallavaram
Chennai-600 044. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent authority to decide and dispose of the petitioner representation/complaint dated 14-03-2012 for which the enquiry was conducted on 15-06-2012 on merit in terms of the 2nd respondents circular bearing No.67 with file reference No.C.No.52338/C1(2011) dated 3-11-2011 within the reasonable period that may be fixed by this Honourable Court.

For Petitioner	: Mr.R.Arumugam
For Respondents	: Mr.V.Subbiah Special Government Pleader

O R D E R

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

2.The petitioner would state that he is working as a Section Officer in Central Administrative Tribunal and after necessary permission, got a loan and purchased a plot admeasuring to an extent of 1808 sq.ft., in Bajanaikoil Street, Hasthinapuram Village,

Tambaram Taluk, Kanchipuram District through a registered sale deed bearing document no.2209 of 1997 registered on the office of the Sub Registrar, Pallavaram. The petitioner has also put up a house after due approval and it is also subjected to statutory levies and let out the property in favour of one Thiru.Kasim.

3.According to the petitioner, the legal heirs of one Kayambu Servai with an ill motive to create encumbrance over the property has set up one Valliammal and executed the sale deed in her favour on 15.02.2011 on the file of the very same Sub Registrar and that person is none other than the person who has executed the sale deed in favour of one Kayambu Servai as a power agent of Manoranjitham. The said Valliammal started threatening the tenant and is interfering with the possession and the petitioner suspecting some fowl play, obtained an Encumbrance Certificate and found that the execution of the sale deed in favour of Valliammal and by invoking the benefit of circular bearing no.67 dated 03.11.2011 issued by the second respondent, the petitioner has approached the third respondent in the form of complaint dated 14.03.2012. The third respondent has also summoned both the parties and conducted the enquiry and obtained statements on 15.06.2012 and thereafter, no progress took place and hence the petitioner came forward to file this writ petition.

4.Heard the submissions of Mr.R.Arumugam, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the third respondent to complete the enquiry in terms of his notice bearing no.3750/Aa1/2012 dated 25.05.2012 in accordance with law after putting on notice the person namely, Valliammal who is a party to the registered sale deed bearing document no.935 of 2011 registered on the file of the Sub Registrar, Pallavaram 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 said person.

6.The writ petition is disposed of accordingly. No costs.

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s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1 Secretary to Government of Tamil Nadu
Department of Commercial Taxes & Registration
Fort St.George Chennai-600 009.

- 2 Inspector General of
Registration No.100 Santhome High Road
Chennai-600 028.
- 3 District Registrar (Admin)
Chennai South Saidapet Chennai-600 015.
- 4 Sub Registrar
Pallavaram
Chennai-600 044.

+ 1 cc to Govt.Pleader SR 39541

+ 1 cc to Mr.A.Arumugam, Advocate SR 39199

msm(co)
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