



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2015

Coram

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.14150 of 2015

Ilayarani

:Petitioner

vs.

1.The District Registrar,
Karaikudi Registration District,
Pudukkottai

2.The Sub-Registrar,
O/o.The Sub-Registrar Office,
Ponnamaravathy,
Pudukkottai.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation, dated 20.07.2015, on the basis of the order passed by the first respondent on 24.06.2013 in Na.Ka.No.1956/A1/2012, in accordance with law.

For Petitioner : Mr.Babu Rajendran

For Respondents : Mr.M.Rajarajan, GA

ORDER

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation, dated 20.07.2015, on the basis of the order passed by the first respondent on 24.06.2013 in Na.Ka.No.1956/A1/2012, in accordance with law.

2. The case of the petitioner is that the property situated in Survey No.461/4A in Thuthur Village of Ponnamaravathy, measuring an extent of 67 cents, originally belonged to one Azhagi, who purchased the same through a registered sale deed, dated 13.12.1956, vide Document No.1367/1957. The said property is situated at Survey No.461/4C, measuring to an extent of 1 acre 35 cents having a total extent of 1 acre 61 cents. In the said 1 acre 61 cents, the above said Azhagi has purchased undivided half share,



measuring to an extent 80-1/2, through a registered sale deed, dated 10.12.1956, vide Document No. 1350 /1956. From the date of purchase, the said Azhagi has been in possession and enjoyment of the same.

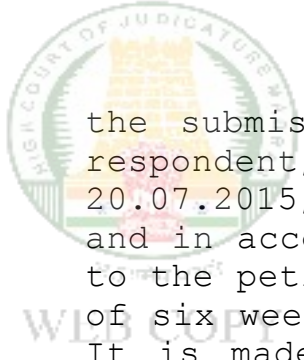
3. While so, one Palani had purchased a property situated in Survey No. 461/2 measuring, to an extent of 26 cents and undivided half share of 80-1/2 cents out of 1 acre 61 cents in Survey No. 461 /4C, through a Sale Deed, dated 28.01.1957, vide Document No. 77/ 1957. The said Azhagi @ Azhagammai died on 09.11.2005 at Malaysia, leaving her only son K.Thanapalan. Except the said Thanapalan, no other surviving legal heir to the said Azhagi. The said Thanapalan had executed a Power of Attorney deed in favour of one Ilayaraja in respect of the property purchased by her mother. The said Power Agent viz., Ilayaraja had executed a registered Sale Deed in respect of one Ilayarani, the petitioner herein, through a registered Sale Deed, dated 09.03.2012, vide a Document No. 631 /2012, for a valuable consideration.

4. In these circumstances, one Selvaraj S/o. Kadan has lodged a complaint, before the Land Grabbing Cell, Pudhukottai in Crime No. 19 of 2012, against the legal heirs of the said Palani, including the petitioner, for the offences Under Sections 419, 467, 468, 471, 420 and 120(b) of I.P.C. on 11.07.2012. He also approached the first respondent to cancel the Sale Deed, dated 09.03.2012, executed by the son of Alagi, in favour of the petitioner.

5. After enquiry, the 1st respondent held that the sale deed executed by the said Palani and her daughter Chellammal, in favour of the said Selvaraj, is not legally valid and he is having right in the properties belonged to Palani alone and not in the properties belonged to Azhagi. The first respondent vide his order, dated 24.06.2013 directed the second respondent to make proper entries in the record and also directed him to take criminal action against the said Palani, Chellammal and Selvaraj, for their false representation and fabricating false document vide Document No. 1219 /2000. As against the said order, no Appeal was filed by any one. But, the second respondent has not taken any action against them, based on the orders passed by the first respondent in Na.Ka. No. 1956/A112012, dated 24.06.2013. Hence, the petitioner has sent a representation to the second respondent on 20.07.2015, to take suitable action on the basis of the order passed by the first respondent, dated 24.06.2013. Since the said representation has not been considered, the present writ petition has been filed.

6. I have heard the submissions made on either side and <https://hcservices.southhighcourtnet.in> materials available on record.

7. Considering the facts and circumstances of the case, and



the submissions made on either side, this Court directs the 2nd respondent, to consider the petitioner's representation, dated 20.07.2015, and pass appropriate orders on the same, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner as well as to the rival parties, within a period of six weeks from the date of receipt of a copy of this order.. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner.

8. With the above direction, the Writ Petition is disposed of. No costs.

sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
Karaikudi Registration District,
Pudukkottai
2. The Sub-Registrar,
O/o.The Sub-Registrar Office,
Ponnamaravathy,
Pudukkottai.

+ 1 CC TO M/S.BABU RAJENDRAN, ADVOCATE IN SR NO. 46526/15

MPK

TE/SKS-RR/ 2/09/2015 3P/4C

W.P. (MD) .No.14150 of 2015

14.08.2015