



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2015

Coram

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.14728 of 2015

George Baby

:Petitioner

vs.

1.The Inspector General of Registration,
Santhom High Road,
Mylapore,
Chennai.

2.The District Registrar,
District Registrar Office,
Tenkasi,
Tirunelveli District.

3.Maharajan

: Respondents

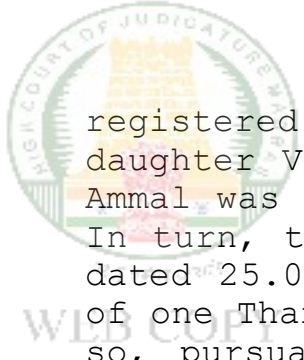
Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the first respondent herein to consider and enquire the petitioner's statutory appeal, dated 10.07.2015 and pass final orders within a stipulated time.

For Petitioner	:Mr.V.Meenakshi Sundaram for M/s.D.Nallathambi
For R-1 & R-2	:Mr.M.Rajarajan Govt.Advocate

ORDER

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the first respondent herein to consider and enquire the petitioner's statutory appeal, dated 10.07.2015 and pass final orders within a stipulated time.

2. The case of the petitioner is that the property in
<https://hsr.mca2016.gov.in/hsr/mca2016> containing 2 Acres 1 cent, Pudupatti I, Alankulam Taluk,
Tirunelveli District, was originally belonged to one
Seethalakshmi Ammal. The said Seethalakshmi Ammal executed a



registered settlement deed, dated 13.11.1991 in favour of her daughter Vijayalakshmi Ammal. Thereafter, the said Vijayalakshmi Ammal was in possession and enjoyment of the above said property. In turn, the above said Vijayalakshmi Ammal executed a sale deed, dated 25.04.1992 in respect of the above said property in favour of one Thangappan wherein she retained some extent of land. While so, pursuant to the purchase in the year 1992 and also in the capacity of the power agent of the above said Vijayalakshmi Ammal, Thangappan sold the entire 2 acres and 1 cent in S.No.620/2 to one Shuhaib by a registered sale deed, dated 26.09.2001. Thereafter, the petitioner purchased the property in S.No.620/2 measuring an extent of 2 Acres 1 Cent, Pudupatti I, Alankulam Taluk, Tirunelveli District from Shuhaib by virtue of a registered sale deed, dated 22.02.2006. From the date of sale deed, the petitioner was in possession and enjoyment of the above said land and patta in respect of the above said survey number was also mutated in the name of the petitioner. While So, the third respondent made rival claim by virtue of a settlement deed dated 28.03.2011 and he made an application before the second respondent to cancel the sale deed dated 22.02.2006. On the said application, the second respondent without conducting proper enquiry and without issuing notice to the necessary parties by invoking the powers under circular 67, cancelled the sale deed of the petitioner vide order dated 24.09.2012 in Na.Ka.No.1971/Aa1/2012. Aggrieved over the said order, the petitioner preferred an appeal before the first respondent on 10.07.2015. Now pending such appeal, the third respondent made an application on 24.02.2014 to the Revenue Divisional Officer, Tenkasi for cancellation of patta stands in the name of the petitioner. The petitioner also filed his objection before the Authority. In spite of that, the Revenue Divisional Officer is proceeding with the enquiry in the application made by the third respondent. Hence, the petitioner has come forward with this Writ Petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who takes notice for R-1 and R-2. In view of the nature of order going to be passed in this Writ Petition, there is no need to issue notice to the third respondent.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court directs the first respondent to dispose of the statutory appeal filed by the petitioner, dated 10.07.2015, on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar(Writs)

/True copy/

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Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Santhom High Road, Mylapore, Chennai.

2.The District Registrar,
District Registrar Office, Tenkasi, Tirunelveli District.

+one cc to M/s.D.Nallathambi, Advocate in SR.No.47113

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CSL/JGB-DP/04.09.2015
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