



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.09.2015**

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THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.17058 of 2015

Gnanasekaran

...Petitioner

Vs.

1.The District Registrar,
Sivagangai,
Sivagangaia District - 630 561.

2.The Sub-Registrar,
Thiruppathur,
Sivagangai District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to consider and pass order on the petitioner's representation, dated 06.03.2015, within a stipulated time.

For petitioner	: Mr.P.Venkata Subramanian
For Respondents	: Mr.S.Kumar, Additional Government Pleader

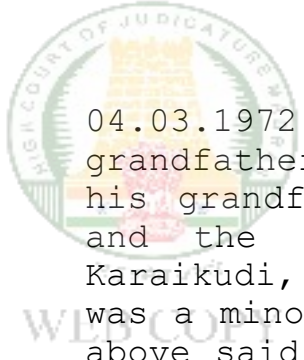
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents herein to consider and pass orders on the petitioner's representation, dated 06.03.2015, within a stipulated time.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The case of the petitioner is that his grandfather by name Rayappa Nadar had purchased the lands measuring to an extent of 62 cents in S.Nos.81/2, 89/2, 89/4, 89/6 situated at Naduvikkottai, Thiruppathur Taluk, Sivagangai District, through a registered sale deed, dated 04.03.1972. Likewise, his grandmother had purchased lands measuring to an extent of 5.20 cents in S.Nos.79/1, 81/3, 81/6, 89/3 in the same village through a sale deed, dated



04.03.1972. After the death of the petitioner's grandmother, his grandfather was enjoying the above said properties. Thereafter, his grandfather had executed a Will in favour of the petitioner and the same was also registered before the Sub-Registrar, Karaikudi, Sivagangai District and at that time, the petitioner was a minor and hence, the petitioner's father had maintained the above said properties. Thereafter, property right was transferred to the petitioner as per the Will. While the matter stood thus, one Joseph, S/o.Chinnappan had created a partition deed, dated 11.01.2008, in respect of the above said properties and he has also created a sammatha pathiram, dated 11.07.2011, in favour of him, by forging the signature of the petitioner. Subsequently, he had executed a sale deed, dated 24.11.2015 in favour of one Sureshkumar in document No.3216. Hence, the petitioner has made a representation to the respondents to cancel the forged document registered on the file of the second respondent. Thereafter, the petitioner has made a complaint before the Superintendent of Police, Sivagangai District and Sub-Inspector of Police, Nachiapuram on 20.03.2015 against the said Joseph and others. Based on the same, a case in Crime No.98 of 2015 was registered on the file of the Sub-Inspector of Police, Nachiyapuram for the offences under Sections 468, 471 and 420 I.P.C as against the said Joseph and Sureshkumar. But the respondent did not take any action on the representation submitted by the petitioner. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the second respondent to consider the representation of the petitioner, dated 06.03.2015, and pass appropriate orders, by affording an opportunity of hearing to all the necessary parties including one Joseph, s/o.Chinnappan and Sureshkumar, s/o.Dhayalan, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the same purely on merits.

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

Sd/-
Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar



pm

To

1.The District Registrar,
Sivagangai,
Sivagangaia District - 630 561.

2.The Sub-Registrar,
Thiruppathur,
Sivagangai District.

+1cc to Mr.P.Venkata Subramanian,Advocate SR NO.56045

+1cc to Special Government Pleader Sr NO.55788

W.P (MD) .No.17058 of 2015
21.09.2015

rg.07.10.2015/NGM-SS 3P/5C.