



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.16538 of 2015

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R.Mayandi

... Petitioner

Vs.

1.The District Registrar,
Madurai District, Madurai.

2.The Sub-Registrar,
Chekkanoorani Sub-Registrar Office,
Chekkanoorani, Madurai.

3.Murugan

4.Janaki

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 19.08.2015 and forbearing the second respondent from registering any document presented for registering by the respondents 3 and 4 in respect of his property situated in Survey No.335/2B-2C, an extent of 3 cents in Kovilangulam Village, Chellampatti, Usilampatti, Madurai District and to conduct enquiry before such registration after affording opportunity to the petitioner.

For petitioner : Mr.Babu Rajendran

For Respondents : Mr.K.Mahes Raja

Govt. Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 19.08.2015 and forbearing the second respondent from registering any document presented for registering by the respondents 3 and 4 in respect of his property situated in Survey No.335/2B-2C, an extent of 3 cents in Kovilangulam Village, Chellampatti, Usilampatti, Madurai District and to conduct enquiry before such registration after affording opportunity to the petitioner.

2. Heard the learned counsel appearing for the petitioner. Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final

<https://hcservices.gov.in/hcservices/>

4.In the affidavit filed in support of the Writ Petition, it



has been averred that the property situated in Survey No.335/2B-2C1 measuring an extent of 3 cents in Chellampatti, Kovilankulam Village, Usilampatti, Madurai originally belonged to the petitioner's paternal grandfather Mr.Chellachami. After the demise of Chellachami, the petitioner's father Mr.Rajangam and his paternal uncle Mr.Selvam partitioned the above said 3 cents equally and they have been in possession and enjoyment of the property. While so, after the demise of the petitioner's father, the portion allotted to the petitioner's father was inherited by the petitioner and the portion allotted to his paternal uncle was purchased by him through a registered sale deed, dated 12.05.2005 vide Doc.No.390 of 2005. Hence, the petitioner is the absolute owner of entire three cents of Survey No.335/2B-2C. While so, suppressing the above sale deed, dated 12.05.2005, the petitioner's paternal uncle's sons Kannan and Suresh executed a forged document in favour of the respondents 3 and 4. Hence, the petitioner has given a criminal complaint, dated 19.01.2015 for the offences under Sections 120B, 468, 471 and 420 of IPC. In the meanwhile, the respondents 3 and 4 were making an attempt to sell the property by creating bogus documents. Therefore, the petitioner has made a representation dated 19.08.2015 before the respondents 1 and 2 requesting them not to register any documents presented by the respondents 3 and 4 in respect of his property situated in Survey No.335/2B-2C1 and to conduct enquiry before such registration. But the said representation was not considered by the respondents 1 and 2, so far. Hence, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the claim of the petitioner, this Court directs the second respondent to consider the petitioner's representation, dated 19.08.2015 by affording an opportunity of personal hearing to the petitioner and the respondents 3 and 4 and pass appropriate orders, on merits and in accordance with law 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 with regard to claim of the petitioner.

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

Sd/-

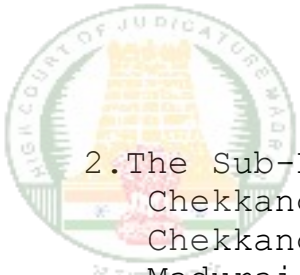
Assistant Registrar AS

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Sub Assistant Registrar

To

1.The District Registrar,
Madurai District,
Madurai.



2.The Sub-Registrar,
Chekkanoorani Sub-Registrar Office,
Chekkanoorani,
Madurai.

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+1 cc to MR.BABU RAJADURAI , ADVOCATE, SR NO: 53671

JAM/ AMF /09.10.2015/ 3P-4C

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