



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.16653 of 2015

and

M.P(MD) No.1 of 2015

Abdul Kapoor Bijili @ A.G.Bijili ... Petitioner

Vs.

1. The District Registrar,
Tirunelveli Registration District,
Palayamkottai,
Tirunelveli District.

2. The Sub-Registrar No.I,
Tirunelveli,
Tirunelveli 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 to correct the wrong entries as to the encumbrance made in respect of the petitioner's property in Ward No.10, Town Survey No.64, Melaveera Ragavapuram Village, Tirunelveli District by considering the petitioner's representation, dated 24.11.2014 in the light of the judgment and decree made by this Court in S.A.No.437 of 2004, dated 01.03.2005 within the time that may be stipulated by this Court.

For petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.K.Mahesh Raja,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to correct the wrong entries as to the encumbrance made in respect of the petitioner's property in Ward No.10, Town Survey No.64, Melaveera Ragavapuram Village, Tirunelveli District by considering the petitioner's representation, dated 24.11.2014 in the light of the judgment and decree made by this Court in S.A.No.437 of 2004, dated 01.03.2005 within a stipulated time.



2. Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents.

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

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4. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner is a permanent resident of Vanarapattai, Tirunelveli District. The petitioner is entitled to an extent of 24 acres and 25 cents in Melaveera Ragavapuram Village, Tirunelveli District. The said property initially belonged to one Abdul Khathar, who in turn purchased the same from one Subramania Mudaliar. Thereafter, the grandmother of the petitioner namely Gaforunisha Bibi wife of Abdul Kareem Bijili purchased the above said property by way of a registered sale deed, dated 07.11.1940. After the death of the petitioner's father, the petitioner had inherited the property by succession. While the matter stood thus, one K.Arumugam and K.Veera Pandi filed a suit against the petitioner in O.S.No.327 of 1998 on the file of the District Munsif Court, Tirunelveli. The said suit was decreed on 16.04.2001. Against the said judgment and decree, the father of the petitioner preferred an appeal in A.S.No.13 of 2002 on the file of the Sub-Court, Tirunelveli and the said appeal was also dismissed on 21.10.2003. As against the same, the father of the petitioner preferred second appeal in S.A.No.437 of 2004 on this file of this Court. The said second appeal was allowed reversing the judgment and decree of the Courts below. In the mean time, taking advantage of the orders made by the Courts below certain wrong entries were made in respect of the above said property. Hence, the petitioner has made a representation to the second respondent on 24.11.2014 to make necessary changes in the encumbrance certificate. The said representation was not considered so far. 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, the petitioner is directed to give a fresh representation to the second respondent along with a copy of this order within a period of two weeks and on such receipt, the second respondent is directed to consider the same and pass orders with regard to correction of entries made in respect of the property in Ward No.10, Town Survey No.64, Melaveera Ragavapuram Village, Tirunelveli District on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of six weeks thereafter. 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. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Cr1.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
Tirunelveli Registration District,
Palayamkottai,
Tirunelveli District.

2. The Sub-Registrar No.I,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO M/S.AJMAL ASSOCIATES, ADVOCATE IN SR NO. 54303

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 54346

PM

TE/AN-MP/LIB 30/09/2015 3P/5C

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