



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.09.2015**

WEB COPY

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

W.P(MD) .No.16757 of 2015

and

M.P(MD)No.1 of 2015

M.S.Annama Raja

...Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Pattinapakam, Chennai - 600 028.

2.The District Registrar,
Virudhunagar District,
Virudhunagar.

3.The Sub-Registrar,
Sub-Registrar's Office,
Rajapalayam,
Virudhunagar District.

4.R.Radha Krishnan

5.N.R.Krishnamoorthy Raja

6.Ram Vishnu

7.Ram Venkat

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to annul the document No.853, dated 05.03.2001 registered in the third respondent's office, by these respondents 5 to 7 in favour of the respondent No.4, with respect to the property a house site of 11 cents, in T.S.No.75, in Town Survey Ward No.5 in Rajapalayam Municipality limits, in Virudhunagar District by conducting enquiry contemplated under circular No.67/2011, dated 03.11.2011(C.No.52338/C1/2011) along with Rule 55 of the Tamil Nadu Registration Rules and Section 34(3) of the Tamil Nadu Registration Act.

For petitioner

: Mr.F.X.Eugene

For R-1 to R-3

: Mr.K.Mahesh Raja,

Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents 1 and 2 to annul the document No.853, dated 05.03.2001, registered in the third respondent's office, by respondents 5 to 7 in favour of the respondent No.4, with respect to a house site property measuring to an extent of 11 cents, in T.S.No.75, in Town Survey Ward No.5 in Rajapalayam Municipality limits, in Virudhunagar District by conducting enquiry contemplated under circular No.67/2011, dated 03.11.2011 (C.No.52338/C1/2011) along with Rule 55 of the Tamil Nadu Registration Rules and Section 34(3) of the Tamil Nadu Registration Act.

2. The case of the petitioner is that the house site property measuring to an extent of 11 cents in T.S.No.75 in Town Survey Ward No.5 in Rajapalayam Municipality limits, in Virudhunagar District originally belonged to the mother of the petitioner by name ***Ramammal**. After her demise, the said property devolved upon her legal heirs. Thereafter, in the family arrangement, the petitioner got the said property and from the said date onwards, the petitioner is in possession and enjoyment of the same. It is the further case of the petitioner that the fourth respondent is no way connected with that property. But he managed to buy the said property in his name by a registered sale deed, dated 05.03.2001, executed by the respondents 5 to 7 before the third respondent's office, based upon the false and fabricated documents created by the respondents 4 to 7. After knowing the same, immediately, the petitioner filed a petition before the second respondent as early as on 20.08.2012 to annul the said document as per the provisions of the Tamil Nadu Registration Rules and consequential circular. Since there was no action on the part of the second respondent, the petitioner sent a representation to the respondents on various dates. Thereafter, the petitioner moved with the second respondent to invoke the contemplated provisions of circular No.67/2011, dated 03.11.2011 (C.No.52338/C1/2011) by considering the representation of the petitioner dated 20.08.2014. Since the said request of the petitioner was not considered so far, the petitioner has come forward with the present 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 to R-3. In view of the nature of the order going to be passed in this Writ Petition, there is no need to issue notice to the respondents 3 to 7.

<https://hcservices.courts.gov.in/hcservices/> 4. On 08.09.2014, after considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments



made in the Writ Petition, the petitioner is directed to send a copy of the representation, dated 20.08.2014 to the second respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to issue notice to the respondents 4 to 7 and conduct enquiry and pass orders on merits and in accordance with law, 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.

Sd/-

Assistant Registrar(Crl.Side)

***Corrected as per order dated
27.10.2015 made in
W.P. (MD) No.16757/2015**

/True Copy/

Sub Assistant Registrar

To

***To be substituly the order already despatched on 09/10/2015**

1.The Inspector General of Registration,
Santhome High Road,
Pattinapakam, Chennai - 600 028.

2.The District Registrar,
Virudhunagar District, Virudhunagar.

3.The Sub-Registrar,
Sub-Registrar's Office,
Rajapalayam, Virudhunagar District.

+1cc to Mr.F.X.Eugene, Advocate Sr.No. 54891

+1cc to Spl.GOvernemnt Pleader Sr.No. 54792

pm

AA/AAL-MPA/06.10.2015/3p-6c

CSL/NGm/SS/18.11.2015-3P-6C

W.P (MD) .No.16757 of 2015
15.09.2015