



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.16758 of 2015

K.Ramachandran

...Petitioner

Vs.

1.The District Registrar,
Registration Department,
Tirunelveli.

2.The Sub-Registrar,
Radhapuram,
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 first respondent to consider the petitioner's representation, dated 04.12.2014 and pass orders in accordance with guidelines issued by Circular No.67, dated 03.11.2011 within the time fixed by this court.

For petitioner : Mr.H.Arumugam

For Respondents : Mr.K.Mahesh Raja,

Government Advocate takes notice.

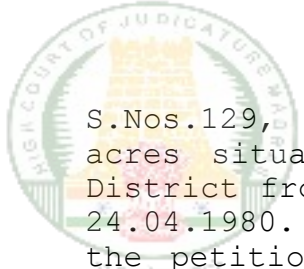
ORDER

The Writ Petition has been filed by the petitioner praying for a Writ of Mandamus directing the first respondent to consider the petitioner's representation, dated 04.12.2014 and pass orders in accordance with the guidelines issued by Circular No.67, dated 03.11.2011 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.

4. It has been averred in the petition that the Ayan Nanja lands situated in S.Nos.1327/A, 1329, 1340/2, 1324, 1337/A1 and punja lands situated in S.Nos.1330, 1331, 1332, 1333/A, 1334/A, 1337/B, 1286/A, 1287/A1, 1287/A2, 1288/A, 1304/B1A) & (1B), 1304/B(2), 1292/2, 1289/1286/B, 1304/A2A, A2B, 269/A, B2, 1305/3 and 1298/2 totally measuring to an extent of 163.43 acres at Veppilankulam village, Radhapuram Taluk, Tirunelveli District originally belonged to one Rengaraj Naidu. The said Rengaraj Naidu sold the above said properties to one Kandhasamy Thevar, who is the father of the petitioner herein under a registered sale deed, dated 22.05.1950. The father of the petitioner died leaving behind his two wives namely Shanmugathayammal, the mother of the petitioner and his step-mother Vellathayammal. After the death of the petitioner's father, partition was also effected. Thereafter, the petitioner and his brothers had purchased the properties situated in



S.Nos.129, 1300, 1301(1), 1320(2), 1321 measuring to an extent of 52.53 acres situated at Veppilankulam Village, Radhapuram Taluk, Tirunelveli District from the said Rengaraj Naidu under a registered sale deed, dated 24.04.1980. The mother of the petitioner settled her share in favour of the petitioner and the brother of the petitioner namely Muruganantham. From the said date, the petitioner is in possession and enjoyment of the properties and the revenue records also mutated in the name of the petitioner. The petitioner had also sold some of the properties to third parties and they are in possession and enjoyment of the same. While the matter stood thus, the son of Rengaraj Naidu namely Muthu Raghava Raj had fraudulently sworn an affidavit, dated 21.04.2011 for himself and on behalf of his brothers and also as guardian of his deceased brother's legal heirs and presented the affidavit for registration before the second respondent and the same was also registered as against Section 51 of the Indian Registration Act, 1908. Hence, the petitioner filed W.P.No.4509 of 2014 and the same was allowed by this Court directing the petitioner to give fresh representation to the respondents 1 and 2 to delete the registration of affidavit in Book-1. Accordingly, the petitioner gave a representation to the first respondent and the endorsement was also deleted from the encumbrance. Thereafter, the said Muthu Raghava Raj had fraudulently executed a power of Attorney deed in favour of one Mr.Silvestar and the same was also registered in document No.2040/2014. Hence, the petitioner gave a representation, dated 04.12.2014 to the first respondent to cancel the said document. The same 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, without going into the merits of the averments made in the Writ Petition, this Court directs the first respondent to consider the representation of the petitioner, dated 04.12.2014, on merits and in accordance with law, by issuing notice to Muthu Raghava Raja and to all the necessary parties, and pass appropriate orders, within a period of twelve 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 first respondent to consider the same purely on merits.

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

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

- 1.The District Registrar,Registration Department,Tirunelveli.
- 2.The Sub-Registrar,Radhapuram,Tirunelveli District.
- +1CC to Mr.H.Arumugam, Advocate, SR.No. 55001
- +1CC to The Special Government Pleader SR.No. 54779.

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