



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.10.2015
CORAM
THE HONOURABLE MR.JUSTICE R.SUBBIAH
W.P. (MD) No.18081 of 2015

WEB COPY

I. Kezhson ... Petitioner
Vs.

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

2. The District Registrar,
District Registrar Office,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to direct the second respondent to conclude the enquiry proceedings No.2299/Aa1/2015 dated 05.06.2015.

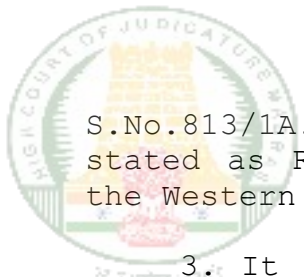
For Petitioner ... Mr.Puhazh Gandhi

For Respondents ... Mr. M. Rajarajan
Government Advocate

ORDER

The writ petition has been filed praying for issuance of a Writ of Mandamus directing the second respondent to conclude the enquiry proceedings No.2299/Aa1/2015 dated 05.06.2015 within the stipulated period of this Court.

2. In the affidavit filed in support of the Writ Petition, it is averred that the petitioner is the absolute owner of the property in S.No.813/1A, to an extent 10 acres and 93 cents. He purchased the said property in two different sale deeds, vide Document Nos.733/ 11 and 734/11, dated 10.05.2011, from one Balakrishnan, through his power holder viz., Boothalingam Pillai. The said Balakrishnan purchased the property from the original owner viz., Lazer, vide Doc.No.228/2010, on the file of the Sub Registrar, Thovalai. The total extent of the land comprised in R.S.No.813/1A is 24 acres and 99.41 cents. Originally the said lands belonged to one Lazer and his family members to an extent of 21 acres and 83 cents and the legal heirs of one Narayanan and Shanmugam owned 2 acres and 14.977 cents in S.No.813/1A. The legal heirs of the said Narayanan and Shanmugam sold their share of 2 acres and 14.977 cents in R.S.No.813/1A, through power of attorney holder, namely the said Lazer to one Dinakar, in the Southern most extremity in S.No.813/1A of Aralvoimozhi Village, Kanyakumari District, vide Document No.1568 of 2009, dated 09.09.2009, on the file of Sub Registrar Office, Thovazhai. Subsequently, it is alleged that in colusion with one Paulraj and M/s. Ram Prasad Tyres and Tubes, two fictitious and bogus sale deeds were created altogether with difference boundaries in R.S.No.813/1A, vide document No.2018 of 2009, dated 24.11.2009 and document No.295 of 2010, dated 23.02.2010 of Thovazhai, Sub Registrar Office, to an extent of 2 acres in S.No.813/1A, as if it is located in the middle portion of



S.No.813/1A. Further, the description of boundaries of the sale deeds is stated as R.S.No.813/1A on the Southern, Eastern and Northern side and the Western side is stated as 25 Feet Pathway.

3. It is further averred in the affidavit that M/s. Ramprasad Tubes and Bars Private Limited is having the wind energy in the middle portion of S.No.813/1A which belongs to the petitioner and his predecessor in interest. However, with the help of one Paulraj and his vendor Dhinakar, they are creating non-existent right over the petitioner's property and his predecessor in interest in order to grab the property situated in S.No.813/1A. The said firm claimed that it has purchased the property from the said Dhinakar in general terms in S.No.813/1A without specifying the exact location of the property in the said survey number. In such circumstances, the petitioner has sent a petition dated 26.05.2015, for which the second respondent directed the petitioner to appear for an enquiry on 22.06.2015 and he has also attended the enquiry with all relevant documents before the second respondent. But, till date the respondent has not passed any order with respect to the said property.

4. Heard the submissions made on either side and perused the materials on record.

5. Considering the submissions made on either side, without going into the merits of the averments made in the writ petition, this Court is constrained to pass the following order:

Since the petitioner has already attended the enquiry pursuant to the direction of the second respondent, in the interest of justice, it would be proper and just to direct second respondent to conclude the enquiry proceedings pending on the file of the second respondent. Therefore, without going into the merits of the claim made by the petitioner, the second respondent is directed to conclude the enquiry proceedings No.2299/Aa1/2015, dated 05.06.2015 and pass appropriate orders, after affording an opportunity of hearing to all the necessary parties, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Inspector General of Registration,
100, Santhome High Road, Chennai - 600 028
2. The District Registrar,
District Registrar Office,
Kanyakumari District, Nagercoil.

+1 CC to the Special Government Pleader, SR No.60143