

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10169 of 2016

K.C.Somasundram

... Petitioner

Vs.

1.Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai-28.

2.The District Registrar (Admin),
Central Chennai,
Royapettah, Chennai-14.

3.The Sub Registrar,
O/o.The SRO Mylapore,
Chennai-4.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the second respondent to conclude the proceedings and pass final orders in No.1701/Aa.1/2002 dated 23.02.2012 on the representation dated 03.02.2012 made by the petitioner, forthwith or within a time frame that may be by this Court.

For Petitioner : Mr.R.Nagasundaram

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.Govt.Pleader

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the second respondent to conclude the proceedings and pass final orders in No.1701/Aa.1/2002 dated 23.02.2012 on the representation dated 03.02.2012 made by the petitioner.

3.The petitioner is the absolute owner of the property in S.No.438 part (1.95acre), S.No.412/1 (0.19 acre) and S.No.427/2A (0.17 acre) totally 2.31 acres in Perungulathur Village, Tambaram Taluk, Kancheepuram District, all the revenue records stand transferred and registered in the name of the petitioner. Originally the said property belonged to the petitioner's grand father, devolved on the petitioner's father/Chandrasekara Mudaliar under a partition through Court, who had died leaving behind the petitioner and his wife. After the death of petitioner's mother, the petitioner inherited the estate and has been in absolute possession and enjoyment of the same till date.

4.The petitioner and his family members have settled in Chennai long back and hence the above said property at Perungulathur village has been kept vacant. During 2006, the petitioner found some third parties were moving in the property. Having suspicious over the same, the petitioner obtained copies of the documents registered in respect of the property and found some miscreants have created surreptitious transactions to grab the property illegally.

5.Hence, the petitioner filed complaint to the Commissioner of Police on 23.08.2010, the same was registered as FIR.No.27/2011, pursuant thereto one Mahendran was questioned and he accepted the guilt. Thereafter, the petitioner filed a complaint before the first respondent on 09.11.2011 seeking appropriate proceedings to cancel the fraudulent deeds and indentures in the nature of the power of attorney said to have been executed by the petitioner's deceased mother in respect of the property vide Document No.52/2005 in the SRO, Mylapore, the same was forwarded to the second respondent. The petitioner also made detail representation to the second respondent on 03.02.2012 and notice of enquiry was issued on 23.02.2012 and the enquiry was held on 02.04.2012, the petitioner participated in the said enquiry and deposed before the second respondent. But the first respondent informed the petitioner on 21.12.2015 stating that there is a stay order of this Court for Circular No.67 dated 03.11.2011 of the first respondent's proceedings and hence the enquiry cannot be proceeded with, but the said information given by the first respondent is not correct and as on date there is no stay is pending before this Court. Hence, the petitioner filed this writ petition to direct the respondents to conclude the proceedings and pass final orders in No.1701/Aa.1/2002 dated 23.02.2012 on the representation of the petitioner dated 03.02.2012.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances and without going into the merits of the claim of the petitioner, this Court directs the second respondent to complete the enquiry and pass final orders in Proceedings No.1701/Aa.1/2002 dated 23.02.2012 on the representation of the petitioner dated 03.02.2012, on merits and in accordance with law, within a period of eight weeks, by affording opportunity of personal hearing to the petitioner as well as to other necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

8.The writ petition is disposed of accordingly. No costs.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai-28.
2. The District Registrar (Admin),
Central Chennai, Royapettah,
Chennai-14.
- 3.The Sub Registrar, O/o.the SRO Mylapore,
Chennai-4.

+ 1 cc to Mr.R.Nagasundaram, Advocate Sr 21625

+ 1 cc to The Govt.Pleader, Sr 21308

KR/20/4/16

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