

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10894 of 2016

D.Charles Sagayaraj

... Petitioner

Vs.

1.The Sub Registrar,
Mettur Sub Registrar Office,
Mettur Dam - 636 401,
Salem District.

2.S.K.Jayaraman

3.Thangavelan

4.Ganesan

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent to conduct enquiry based on the representation of the petitioner dated 15.2.2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Senthil Kumar

For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate,
for R.1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to conduct enquiry based on his representation dated 15.2.2016 within a stipulated time that may be fixed by this Court.

2. It is the case of the petitioner that Royal Educational Trust was started on 4.8.2010 for the purpose of developing the education level in the locality people and the same was registered before the Sub Registrar, Kolathur vide document No.124 of 2010 dated 4.8.2010. Totally ten members were appointed in the said trust and the petitioner was appointed as 7th member. While so, being satisfied with the activities of the said trust, on 4.8.2010, the petitioner and his legal heirs wantonly come forward to sell their properties to an extent of 6 acres and 11 cents to the said trust for the sale consideration

of Rs.15,01,000/-. A sale agreement was also registered before the first respondent vide document No.1696 of 2010 dated 3.9.2010. Though the said properties were originally worth about Rs.50,00,000/-, on the oral assurance given by the second respondent, who is the Manager of the said trust that the properties would be utilized only for the purpose of developing the education, the petitioner agreed to sell the same for a lesser amount of Rs.15,01,000/-. However, after purchasing the properties, instead of using the same for education purpose, the second respondent is making arrangements to layout the said properties and to sell the same for getting huge amount. Therefore, the petitioner had prevented the action of the second respondent. In view of the same, the respondents 2 to 4 along with 12 rowdy elements, entered into the house of the petitioner and compelled him to give a letter permitting them to sell the properties for any other purpose, for which the petitioner refused. Hence, the petitioner personally appeared before the first respondent on 14.2.2016 requesting him not to register the document in this regard. However, the first respondent did not consider his request. Hence, the petitioner sent a representation dated 15.2.2016 to the first respondent. Since the same was also not considered, the petitioner has come up with the present writ petition for a mandamus directing the first respondent to conduct enquiry based on his representation dated 15.2.2016 within a stipulated time that may be fixed by this Court.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the first respondent.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 15.2.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as respondents 2 to 4 and other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

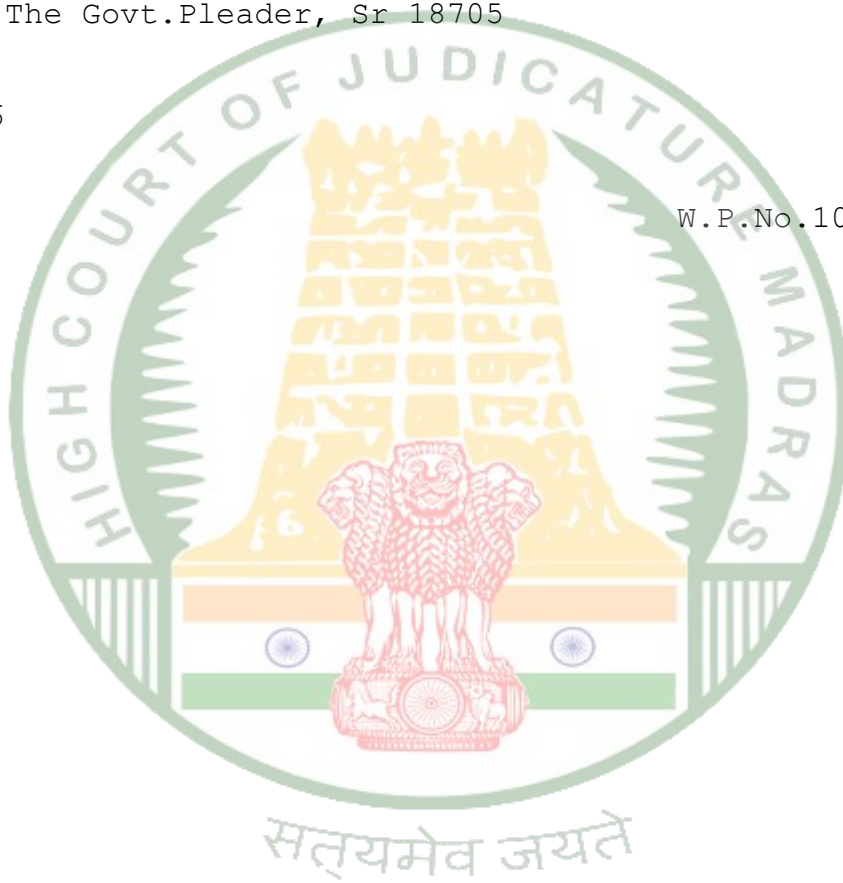
1.The Sub Registrar,
Mettur Sub Registrar Office,
Mettur Dam - 636 401,
Salem District.

+ 1 cc to Mr.M.Senthil Kumar, Advocate Sr 18507

+ 1 cc to The Govt.Pleader, Sr 18705

KR/13/4/16

W.P.No.10894 of 2016



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