

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 12057 of 2016

A.Poongavanam

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Chennai - 600 004.
2. The District Registrar,
Registration - Administration,
District Registrar Office,
Villupuram.
3. The Sub-Registrar,
Thirukoilur,
Villupuram District.
4. K.Arumugam
5. Meenakshi
6. Ravi
7. Gunasekaran

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to cancel the Doc.No.1945 of 1995 registered on the file of the third respondent for the property comprised in Survey No.78/3A, 3B, 3C, 78/4, situated in Muthalur Village, Thirukoilur Taluk, Villupuram District by considering the petitioner's representation dated 30.10.2015.

For Petitioner : Mr.S.Kumaresan

For respondents : Mr.S.Navaneethan,
Additional Government Pleader
For R1 to R3.

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 of Mandamus directing the to cancel the Doc.No.1945 of 1995 registered on the file of the third respondent for the property comprised in Survey No.78/3A, 3B, 3C, 78/4, situated in Muthalur Village, Thirukoilur Taluk, Villupuram District by considering the petitioner's representation dated 30.10.2015.

3. The Petitioner's forefathers were in possession of natham land comprised in Survey No.18/1 and its series and 52 series and 63 series and the subject matter of the property is in Survey No.78/3A, 3B, 3C, 78/4 only. From the date of issuance of patta No.215, dated 25.12.1984, the petitioner was paying tax to the Government without any default and was in possession and enjoyment of the said property. While being so, the respondents 4 to 7 have created forged document No.1945 of 1995 in respect of the said property in Survey No.78/3A, 3B, 3C, 78/4 to an extent of 0.87 cents and the 4th respondent has executed the sale deed in favour of respondents 5 to 7 and the same was registered on the file of the 3rd respondent. When the petitioner came to know about the forged document, he made a representation on 30.10.2015 to the respondents 1 to 3. As per the proceedings of the first respondent, the second respondent has taken up the representation of the petitioner for enquiry. However, respondents 4 to 7 evaded to appear for enquiry before the second respondent. Hence, he has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the second respondent to conduct enquiry on the representation dated 30.10.2015 given by the petitioner, with regard to cancellation of the patta in Doc.No.1945 of 1995 registered on the file of the third respondent and pass an appropriate order in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the respondents 4 to 7 and also other necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner. It is for the second respondent to decide the issue purely on merits and in accordance with law.

6. The writ petition is disposed of accordingly. No costs.
mrp

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

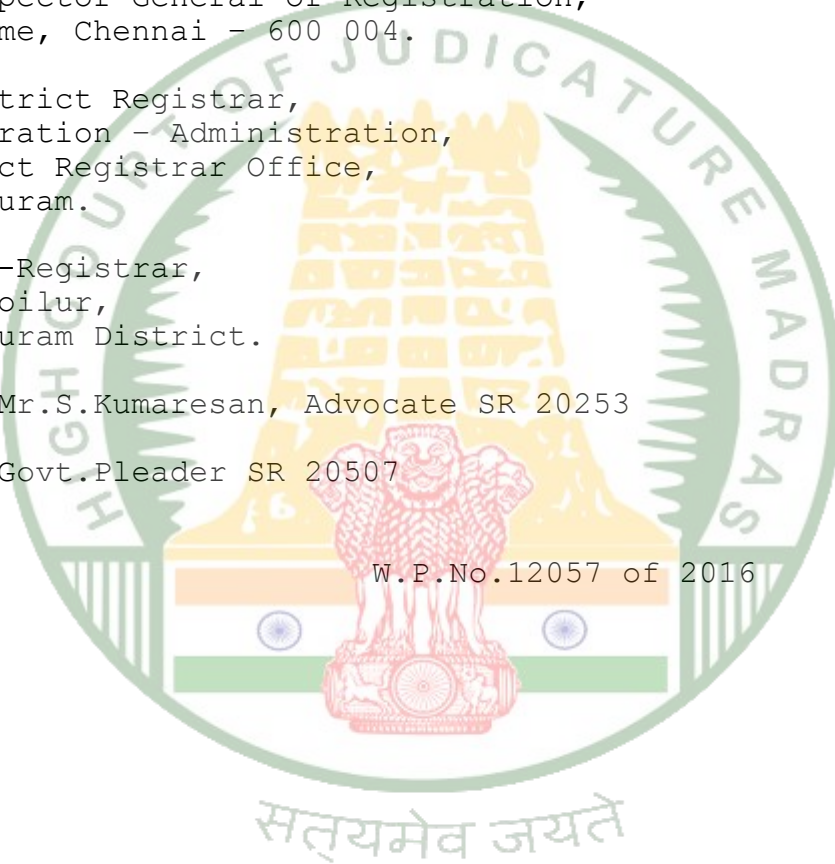
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2. The District Registrar,
Registration - Administration,
District Registrar Office,
Villupuram.
3. The Sub-Registrar,
Thirukoilur,
Villupuram District.

+ 1 cc to Mr.S.Kumaresan, Advocate SR 20253

+ 1 cc to Govt.Pleader SR 20507

ctk(co)
prk6/4

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