

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12248 of 2016

and W.M.P.No.10584 of 2016

S.Ilakkiya

... Petitioner

vs.

1.The District Registrar,
Office of the District Registrar,
Kancheepuram District.

2.The Sub Registrar,
Sriperumputhur,
Kancheepuram District.

3.S.Tamil Selvi

... 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 consider the representation dated 8.3.2016 in the light of Circular No.67 dated 3.11.2011 in C.No.52338/C1/2011.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader,
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the representation dated 8.3.2016 in the light of Circular No.67 dated 3.11.2011 in C.No.52338/C1/2011.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner is the absolute owner of the property measuring to an extent of 1 acre and 12 cents in Survey

No.335/2, situated at Old No.174, New No.121, Tathanoor Village, Sriperumbudur Taluk, Kancheepuram District. The said property is an ancestral property. Originally, her grand father Duraisamy Naidu was the owner of the property. After his death, her father D.Sugunaraman, who is the only legal heir, inherited the said property as per the Hindu Succession Act, 1956. The sisters of her father had already got their respective shares as Sreetha property. Only after their marriage, her grand father purchased the property in the name of her grant mother D.Andalammal and patta was also obtained in her name.

(b) After the death of her father on 2.5.1994, her mother was in possession and enjoyment of the said property. While so, the third respondent, who is none other than the petitioner's Aunty's daughter, in order to grab the said property, obtained a sale deed on 25.8.2006 in her name. The petitioner's grand mother died on 18.8.2011 and everything had happened without the knowledge of the petitioner and her mother. After coming to know about the registration of the sale deed, the petitioner lodged a complaint before the Chief Minister's Special Cell on 29.5.2013. Since no action was taken on the said complaint, the petitioner made a representation before the first respondent on 8.3.2016 to cancel the sale deed dated 25.8.2006. Since the same was also not considered, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case, and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to conduct an enquiry on the representation made by the petitioner dated 8.3.2016, by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and other necessary parties, if any, and pass appropriate orders on merits and in accordance with law and in the light of Circular No.67 dated 3.11.2011 in C.No.52338/C1/2011, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed. It is made clear that this Court has not expressed any opinion with regard to merit of the claim projected by the petitioner.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

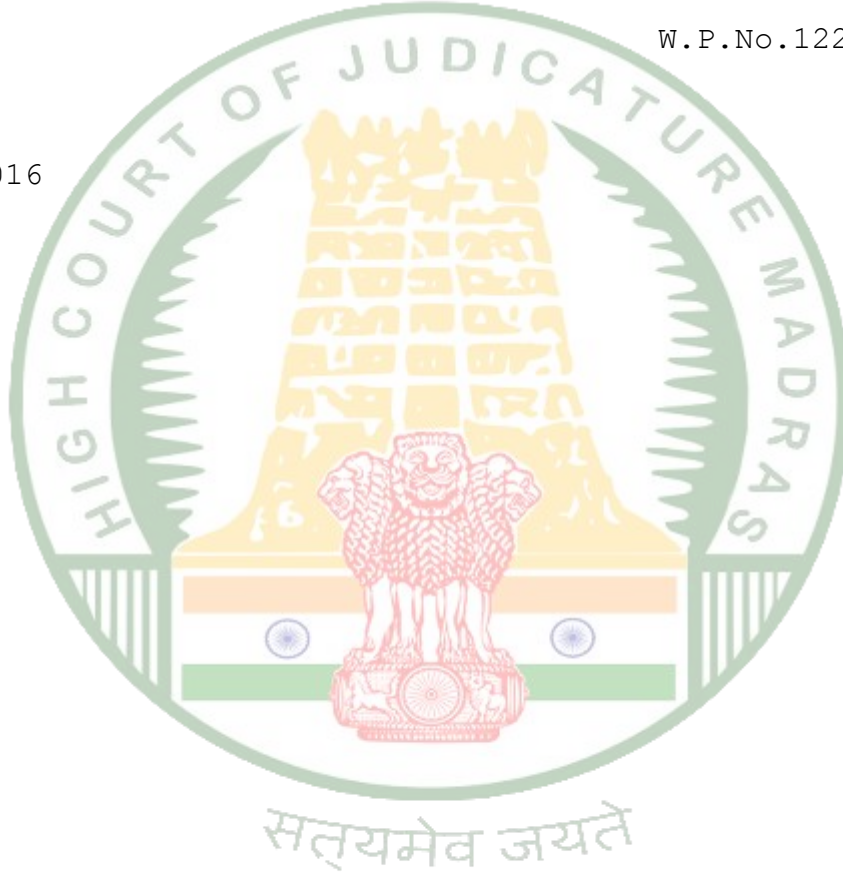
1.The District Registrar,
Office of the District Registrar,
Kancheepuram District.

2.The Sub Registrar,
Sriperumputhur,
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+1 cc to M/s.G.Murugendran Advocate sr.20700
+1 cc to Government Pleader sr.20970

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