

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.1299 of 2016

C.Sugumar

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Namakkal District.

2. The Sub Registrar,
Kumarapalayam Sub Register,
Namakkal District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to consider the representation of the petitioner dated 31.12.2015 to implement the order of the first respondent dated 23.12.2015 by initiating criminal proceedings against the accused persons.

For Petitioner : Mr.D.Gopal

For Respondents : Mr.RAS.Senthil Vel,
Additional Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent herein to consider his representation dated 31.12.2015 to implement the order of the first respondent dated 23.12.2015 by initiating criminal proceedings against the accused persons.

2. It is the case of the petitioner that his father purchased a land at Kumarapalayam Agrahar Village bearing bimase No.35/5 from the Council of Agraharamdars of Bhavani Association

in the year 1995 vide document No.1873 of 1995 and till date, the petitioner is in possession and enjoyment of the same. Before the said purchase, one K.V.Swaminathan Iyer sold the said land to one S.M.Rangasamy in the year 1985 stating that he was the authorised person of the Council of Agraharamdars of Bhavani Association without proper approval from the association. The said sale deed was registered in the office of the Sub Registrar on 18.10.1985. Subsequently, the said sale deed was cancelled by the association in the year 1995 vide document No.93 of 1995 at Kumarapalayam Sub Registrar Office by the association represented by one P.S.Surendaran after due approval on 31.1.1995. In spite of the cancellation of the said sale deed and subsequent sale of the said property by the relevant authority to the petitioner's father, after 18 years, one R.Kamalakkannan, Son of S.M.Rangasamy, suppressing all the facts and documents, sold the said property to one K.Karthick, A.Chandra Kumar and S.J.Raj Kumar vide sale deed dated 26.11.2013 as document No.8678 of 2013. The said R.Kamalakkannan gave a representation to the first respondent on 18.3.2013 to exclude the cancellation deed from encumbrance certificate. It is relevant to state that the said R.Kamalakkannan has knowledge about the cancellation deed dated 31.1.1995. Despite the same, the said R.Kamalakkannan executed a sale deed on 26.10.2013 suppressing the cancellation deed with an intention to betray the real owner. Hence, the petitioner made a representation to the first respondent on 17.2.2015 and 27.7.2015 to cancel the alleged sale deed dated 26.11.2013. On the said representations, the first respondent passed an elaborate order dated 23.12.2015 directing the consent Sub Registrar, the second respondent herein to initiate criminal proceedings against the persons, who registered forged sale deed. In spite of the same, no action was taken by the second respondent. Hence, the petitioner made a representation dated 31.12.2015 to the second respondent to implement the order of the first respondent and to initiate criminal proceedings against the persons. But, till date, no action was taken on the said representation. Hence, the petitioner has come up with the present writ petition seeking the relief set out earlier.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Considering the factual aspects of this case, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 31.12.2015 by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, and pass appropriate orders on merits and in accordance with law, within a period of

eight weeks from the date of receipt of a copy of this order.
The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

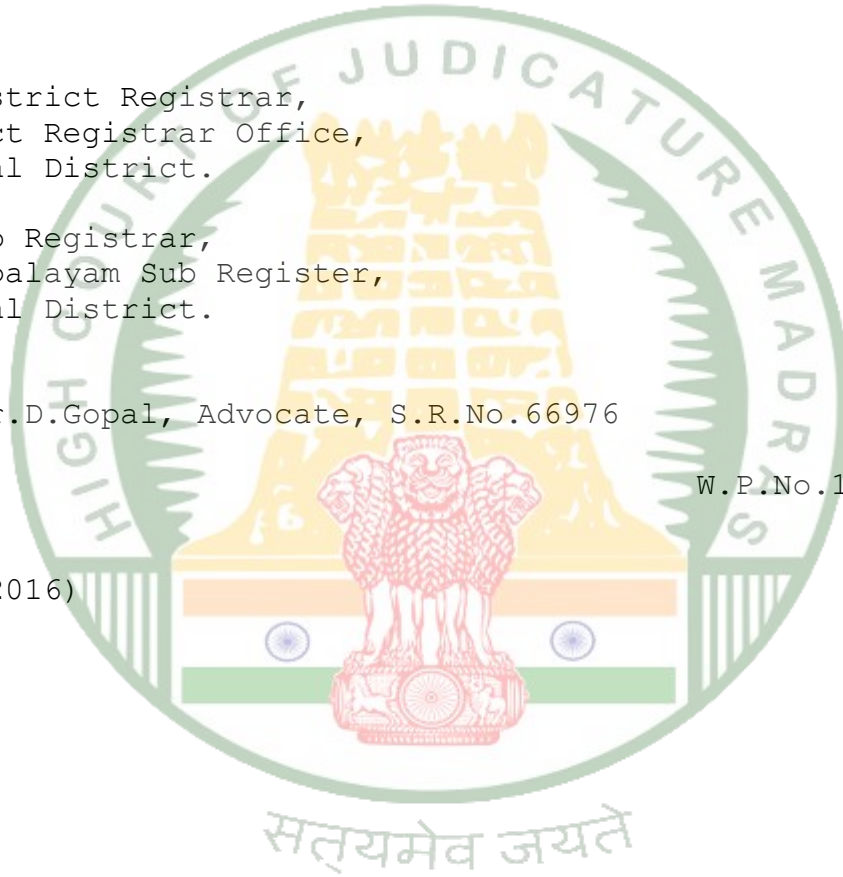
To

1. The District Registrar,
District Registrar Office,
Namakkal District.
2. The Sub Registrar,
Kumarapalayam Sub Register,
Namakkal District.

+1cc to Mr.D.Gopal, Advocate, S.R.No.66976

W.P.No.1299 of 2016

KJI (CO)
CA(18/02/2016)



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