

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13352 of 2016

H.Sulthan

... Petitioner

Vs.

1. The Inspector General of
Registration,
No.120, Santhome High Road,
Chennai-28.

2. The District Registrar,
South Chennai,
Chennai-15.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent herein to dispose of the petitioner's appeal dated 6.11.2015 within a time frame as may be stipulated by this Court.

For Petitioner : Mr.M.Kempraj

For Respondents : Mr.K.Thanga Pandi,
Government Advocate.

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ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to dispose of his appeal dated 6.11.2015 within a time frame as may be stipulated by this Court.

3. It is the case of the petitioner that his father M.A.Hakeem had purchased a property measuring to an extent of 0.13 cents in Survey No.301/7, Pymash No.249/1, part 268/3 situated at Keelkiattalai Village and a property measuring to an extent of 0.34 cents in Survey No.301/3, Pymash No.268/3 part 269 part, from 20 persons by way of registered sale deed dated 7.10.1967. His father died on 23.5.1985 and after his death, patta was duly transferred in the name of his legal heirs. While so, the vendors of the said properties along with their sons, with an intention to grab the said properties, which they have already sold to his father, fraudulently executed a general power of attorney in favour of one Paulraj. Hence, the petitioner filed a petition to the Sub Registrar, Pallavaram on 19.2.2015 requesting him not to register the pending document No.P26 dated 28.1.2015 and to cancel the power deed and not to release the same by giving any permanent registration number. But, the Sub Registrar, Pallavaram has registered the said power of attorney on the basis of the order of this Court made in W.P.No.6535 of 2015. The Sub Registrar, Pallavaram, without verifying the parent document and the encumbrance certificate and without confirming the title of the executor over the said property, had allowed the execution of the fraudulent document. Hence, the petitioner filed an objection petition before the second respondent requesting him to conduct an enquiry and also to cancel the forged power of attorney registered as document No.3890 of 2015. But, the second respondent, without proper verification and without calling for the proper records from the concerned department, had mentioned in his order that there are no transaction details in the encumbrance certificate to the effect that the said vendors have sold the said properties to the father of the petitioner. Hence, challenging the same, the petitioner made a statutory appeal before the first respondent on 6.11.2015. But, for the past five months, the said appeal is pending before the first respondent without any progress. Therefore, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the first respondent to dispose of his appeal dated 6.11.2015 within a time frame as may be stipulated by this Court.

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

5. 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 expedite the hearing of the appeal of the petitioner dated 6.11.2015 and dispose of the

same as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar
sbi

To

1. The Inspector General of
Registration,
No.120, Santhome High Road,
Chennai-28.
2. The District Registrar,
South Chennai,
Chennai-15.

+1cc to Mr.M.Kempuraj, Advocate, S.R.No.23313
+1cc to the Government Pleader, S.R.No.22762

W.P.No.13352 of 2016

CA(CO)
CA(15/04/2016)

सत्यमेव जयते

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