

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15799 of 2016

and W.M.P.No.13715 of 2016

S.Meena

... Petitioner

vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai - 28.

2.The Joint Sub Registrar-I,
Chennai South, Saidapet,
Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioner's representation dated 20.11.2015 pertaining to the land in S.Nos.39/2C part, 39/2C, 39/2C1B, 39/2C1A2, New S.No.39/6, 39/2C1A4 and 39/2C1A3 measuring to an extent of 57 cents situated in Vadakkupattu, Thiruvalluvar Street, Medavakkam Village, Shozinganallur Taluk, Kancheepuram District, within a stipulated time.

For Petitioner : Mr.N.Naganathan

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

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 respondents to consider her representation dated 20.11.2015 pertaining to the land in

S.Nos.39/2C part, 39/2C, 39/2C1B, 39/2C1A2, New S.No.39/6, 39/2C1A4 and 39/2C1A3 measuring to an extent of 57 cents situated in Vadakkupattu, Thiruvalluvar Street, Medavakkam Village, Shozinganallur Taluk, Kancheepuram District, within a stipulated time.

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

(a) The petitioner's father M.Jaganathan got married with one Alamelu Ammal and the said Alamelu Ammal died on 8.10.1973. Thereafter, her father married the petitioner's mother Samundeeswari. Her father died on 15.9.2003 leaving behind his legal heirs including the petitioner herein.

(b) The land measuring to an extent of 0.70 cents in Old Survey No.120 and re-surveyed as S.No.127, as per patta No.1211, New Survey No.39/2C part, situated in Vadakkupattu, Thiruvalluvar Street, Medavakkam Village, Shozinganallur Taluk, Kancheepuram District, was owned by her grandmother Vedammal having purchased the same by way of two sale deeds dated 10.12.1904 and 21.5.1907 vide document Nos.251 of 1904 and 992 of 1907 respectively. Subsequently, she sold 13 cents of land out of 70 cents and retained 57 cents for her enjoyment.

(c) After the death of her grandmother, her father acquired the said property. While her father was in possession and enjoyment of the said land, without the knowledge of the petitioner, her father executed a settlement deed in favour of his daughter born through his first wife, in respect of the land measuring to an extent of 7 cents on 21.11.1990 vide registered document No.2722 of 1990. Further, he has also executed a registered Will on 24.4.1996 vide document No.70 of 1996 in favour of his sons born through his first wife measuring to an extent of 40 cents and he retained 10 cents for his enjoyment. Subsequently, her father sold 0.5 cents of land to his son J.Sankaran, born through his first wife vide document No.2731 of 1996 dated 30.5.1996.

(d) The petitioner is not aware of the said documents viz., Will, settlement deed and sale deed executed by her father. The said property is her ancestral property and therefore, she has every right to claim her share in the said property. Hence, she approached the respondent on several occasions for her share in the ancestral property. But, her brothers and other legal heirs are denying the same. Therefore, she filed a suit in O.S.No.194 of 2015 before the Additional

District Court, Chengalpattu, for partition and declaration.

(e) Pending suit, one V.Parthiban purchased the said property from the first wife's sons and daughters without any valid title and on the strength of the sale deed, he had constructed flats in the property. Hence, the petitioner submitted a representation dated 20.11.2015 to the respondents not to register any kind of deed in respect of the aforesaid property by citing the pendency of the suit. If the said V.Parthiban sells the flats, so many complications may arise. But, the said representation was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. 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.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 20.11.2015 and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the other legal heirs of her father M.Jaganathan and the necessary parties, if any, within a period of 12 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 claim projected by the petitioner and it is for the second 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. Consequently, connected miscellaneous petition is closed.

Sd/- सतयमेव जयते
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Inspector General of
Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai - 28.

2.The Joint Sub Registra-I,
Chennai South, Saidapet,
Chennai.

1 cc to Mr.N.Naganathan, Advocate, sr.26449
1 cc to The Government Pleader, sr.26840

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