

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18416 of 2016
WMP.No.16116 of 2016

R.Tamilselvi

.. Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai -600 028.
- 2.The Deputy Inspector General of Registration,
Salem Region, Collectorate Campus, 3rd Floor,
Salem-636001, Salem District.
- 3.The District Registrar,
O/o.Registration,
No.84/B5, SS Complex, Near Ramesh Theatre,
Trichy Main Road,
Namakkal District.
- 4.The Sub-Registrar,
O/o.Registration,
Theppakulam Street, Near Anna Statue,
Tiruchengode-637 211.

5.Raja

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the fourth respondent to register any documents produced by the 5th respondent insofar relates to properties situated in S.Nos.51/2B, 46/1, 45/2A, 54/10, 50/2, Thokkavadi Village, Tiruchengode Taluk, Namakkal District to the total extent of 22.32

acres of land otherwise producing the legal heir certificate of the petitioner's grandfather Velappa Gounder.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader for R1 to R4

ORDER

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that she along with four others had filed O.S.No.150/2008 on the file of the Court of Subordinate Judge, Tiruchengode, originally O.S.No.652/2003 on the file of the Sub-Court, Namakal, against Kaliasammal and five others praying for partition and separate possession and a preliminary decree came to be passed on 19.11.2013 and the plaintiffs are yet to file application for passing final decree.

3. Mr.C.Prakasam, learned counsel appearing for the petitioner would submit that one of the plaintiffs in the above said Suit, overlooking the Preliminary Decree dated 19.11.2013, is making serious attempts to alienate the properties which are the subject matter of preliminary decree and in this regard, the petitioner has also submitted a representation dated 27.04.2016 to the respondents 1 to 4 and since no order has been passed, came forward with

this writ petition.

4. Heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

5. The learned counsel appearing for the petitioner, during the course of arguments, has drawn the attention of this Court to Section 34 of the Registration Act r/w. Rule 55 and would submit that in the light of statutory provisions, the fourth respondent may conduct enquiry and decide the matter accordingly.

6. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the fourth respondent to consider and dispose of the petitioner's representation dated 27.04.2016 in accordance with law, after putting on notice the petitioner and the fifth respondent and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fifth respondent.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2016

Index : Yes / No
Internet : Yes / No
jvm

To

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M.SATHYANARAYANAN. J

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W.P.No.18416 of 2015

23.06.2016