

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2016

CORAM:

THE HON 'BLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.19643 of 2016

R.Arunachalam

... Petitioner

Versus

1. The District Registrar,
Coimbatore District, Coimbatore.

2. The Sub-Registrar,
Sulur Sub-Registrar Office,
Coimbatore District.

3. The Tahsildar, Sulur,
Coimbatore District.

4. Mrs. K.Rajammal

5. Mr. K.Velusamy

6. Mrs. K.Vasanthamani

7. Mr. Pattappan

8. Mr. Ponnusamy

9. Mrs. N.Lakshmi

10. Mrs. P.Kamalam

11. Mr. R.Nataraj

12. Mr. Rangasamy

13. Mrs. M.Marathal

14. Mr. A.Venkatachalam

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the first respondent to conduct an enquiry and annul the fraudulent registration made through Partition Deeds, vide Document No.4123/2000, dated 08.12.2000 and Document No.2575/2002, dated 17.07.2002 registered before the second respondent regarding Survey No.22/1B to an extent of 3.65.1/2 acres at Kangeyampalayam Village, Sulur Taluk, Coimbatore District, based on the petitioner's complaint, dated 01.06.2016 and to further direct the second respondent not to make any further registration based on the aforesaid partition deeds till the completion of the said enquiry.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.R.A.S.Senthilvel, AGP, for R1 to R3

O R D E R

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

2. The petitioner claims that the land ad-measuring to an extent of 3.65.1/2 acres at Kangeyampalayam Village, Suler Taluk, Coimbatore District, belonged to the grandfather of the petitioner, and respondents 4 to 13, namely, Chennimalai Gounder and there are other legal heirs also. The petitioner would state that he is enjoying a portion, in the said property, for very long time, put up super-structures and is assessed to statutory levy. The petitioner would further state that respondents 4 to 13 colluded with each other and made a partition deed, exempting the petitioner and registered the same before the second respondent, vide Document No.4123/2000, dated 08.12.2000 and thereafter, respondents 11 to 13, who are the own brothers and sister of the petitioner made a partition deed among themselves, based on the allotted share to the legal heirs of the mother of the petitioner, in the earlier partition deed and registered the same, before the second respondent, vide Document No.2575/2002, dated 17.07.2002. The petitioner has also moved the Civil Forum, by filing O.S.No.299 of 2007 on the file of the learned III Additional Subordinate Judge, Coimbatore, for partition and other consequential reliefs and also filed O.S.No.194 of 2016 on the file of the Vacation Civil Judge, Coimbatore, for permanent injunction. Both the suits are pending.

3. According to the petitioner, the possession in the hands of the petitioner was disturbed by respondents 4 to 13 and in this regard, a complaint was lodged and based on the complaint, a case was registered in Crime No.349 of 2016 under Sections 147, 323 and 506 (ii) IPC before the Suler Police Station and the same is pending investigation. The grievance expressed by the petitioner is that, despite his representation / complaint dated 01.06.2016, before the first respondent, pointing out the fraud and illegalities committed by respondents 4 to 13, with a request to cancel two registered partition deeds, dated 08.12.2000 and 17.07.2002, no orders have been passed. Therefore, the petitioner came forward to file this writ petition.

4. This Court heard the submissions made by the learned counsel for the petitioner and Mr. R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the first respondent to consider and dispose of the petitioner's representation, dated 01.06.2016, on merits and in accordance with law, after putting on notice to respondents 4 to 14, and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the private respondents, viz., respondents 4 to 14.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Registrar,
Coimbatore District,
Coimbatore.
- 2.The Sub-Registrar,
Sulur Sub-Registrar Office,
Coimbatore District.
- 3.The Tahsildar,
Sulur,
Coimbatore District.

+lcc to Mr.A.Suresh Sakthi Murugan, Advocate sr.31686
+lcc to The Government Pleader Sr.31564

W.P.No.19643 of 2016
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