

HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19839/2016 & WMP.No.17111/2016

V.Lawrence

... Petitioner

Versus

1.The Inspector General of Registrartion
Santhome, Chennai.

2.The District Registrar [Administration]
Cuddalore.

3.The Sub Registrar,
Kadampuliur, Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 1st respondent to pass orders on the Appeal dated 28.01.2016 filed by the petitioner against the order dated 02.12.2015 of the 3rd respondent by cancelling the Sale Deed dated 30.09.2015 pertaining to the Lands described in the schedule. After affording a personal hearing within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Rajeni Ramadoss

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

ORDER

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

2 The petitioner claims to be the owner of the lands comprised in Survey Nos.393/1&2, 386/2, 392/2 admeasuring to an extent of 1.05,172 sq.ft., and executed a Power of Attorney in favour of one P.Ramasamy, son of Ponnusamy, for the purpose of selling the property, believing that he will act bona fide and protect his interest. Later on, the petitioner came to know that the Power of Attorney Agent is having bad antecedents and

cheated several persons and therefore, informed the Power Agent not to do so. But, despite that, he has forged the Life Certificate dated 24.09.2015 with the help of one Dr.P.Muthukumar of the Government Hospital, Chidambaram and sold the property through the registered Sale Deed bearing Document No.2164/2015 dated 30.09.2015 in favour of Tvl.R.Sivakumar, S/o.Ramalingam, Selvaraj, S/o.Venu, V.Muthukumar, S/o.Vijayabaskar, Arun Sivakumar, S/o.Rajaram and Tmt.Sarojini, W/o.Ramasamy. The petitioner, in this regard, had approached the 3rd respondent to conduct an enquiry and to cancel the same and since it was not considered, the petitioner filed WP.No.31520/2015 and this Court, vide order dated 06.10.2015, directed the 3rd respondent herein to consider and dispose of the said representation, after putting on notice, the Power of Attorney holder. The 3rd respondent, in compliance of the order, has rejected the petitioner's representation vide proceedings No.327/2015 dated 02.12.2015 and challenging the legality of the said order dated 02.12.2015, the petitioner herein filed an appeal dated 28.01.2016 before the 1st respondent. The apprehension expressed by the petitioner is despite the pendency of the appeal, the parties in favour of whom the Sale Deed dated 30.09.2015 is executed, are attempting to alienate the properties in question and therefore, the petitioner has come up with the present writ petition.

3 Learned counsel for the petitioner would submit that in the light of the apprehension expressed by the petitioner, appropriate orders may be passed restraining the 3rd respondent from registering any sale deed relating to the said properties pending disposal of the appeal by the 1st respondent.

4 Per contra, Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that appropriate direction may be issued to the 1st respondent for early disposal of the appeal.

5 This Court considered the rival submissions.

6 This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's appeal dated 28.01.2016 on merits and in accordance with law, after putting on notice, the persons concerned and pass orders within a period of eight 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 persons concerned.

7 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

AP

To

1.The Inspector General of Registration
Santhome, Chennai.

2.The District Registrar [Administration]
Cuddalore.

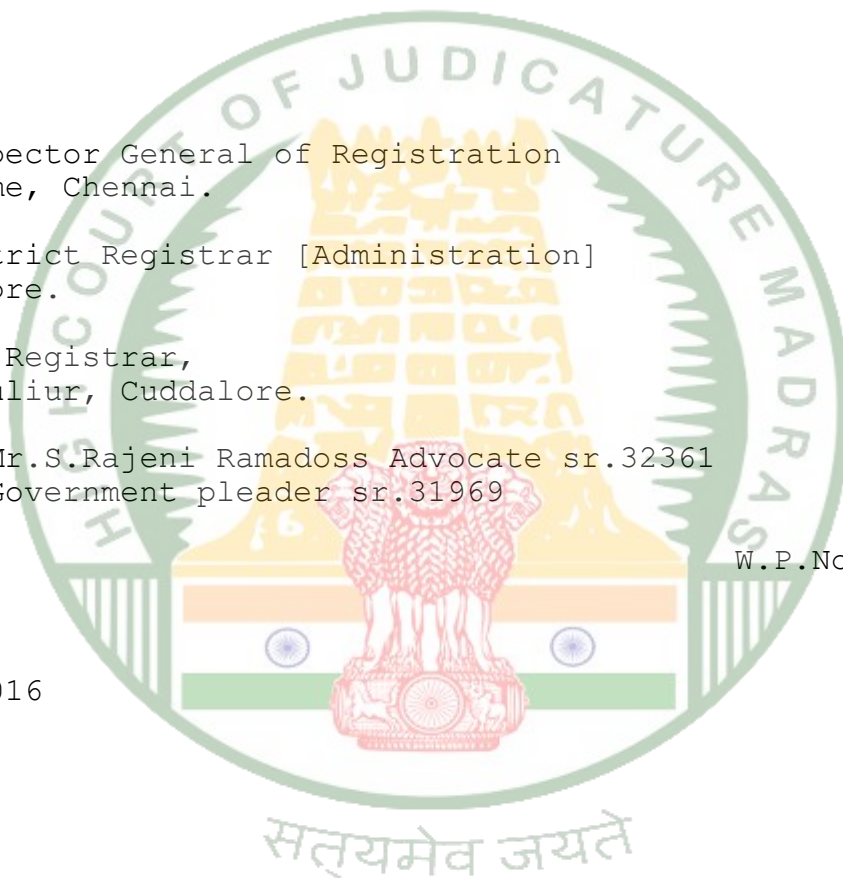
3.The Sub Registrar,
Kadampuliur, Cuddalore.

+1 cc to Mr.S.Rajeni Ramadoss Advocate sr.32361

+1 cc to Government pleader sr.31969

W.P.No.19839/2016

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