

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19911 of 2016

K.N.Ramamoorthy

... Petitioner

Versus

1.The District Registrar
O/o.The District Registrar,
Rangapalayam, Erode.

2.The Sub Registrar,
Ammamet, Bhavani Taluk
Erode District.

3.S.Rasammal

4.Sivagami

5.Gunavathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 2nd respondent to release the document in P201600036 after giving regular registration number.

For Petitioner : Mr.P.Tamilavel

For RR 1 & 2 : Mr.R.Govindasamy,
Special Government Pleader

ORDER

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

2. The petitioner would state that the landed property comprised in Re-survey No.340/1, Old survey No.253, admeasuring to an extent of 0.93.31 ares [2 acres 30 ½ cents], situated at Kesarimangalam Village, Bhavani Taluk, Erode District, was originally belonged to one V.P.Ramasamy Gounder, who bequeathed the same by a Registered Will dated 26.08.1992 bearing Document No.92/1992 in favour of one V.M.Shanmugam. V.P.Ramasamy Gounder died on 02.04.1993 and on his demise, the

beneficiary under the Will has succeeded to the estate and got possession and enjoyment of the same. Mr.V.M.Shanmugam, also died on 14.03.2004 intestate, leaving behind his legal heirs, viz., Rajammal, Sivakami and Gunavathi. The legal heirs, due to financial constraint, has sold the property in favour of the petitioner herein, vide Sale Deed dated 11.04.2016 bearing Document No.P201600036, which was presented for registration before the 2nd respondent and it is kept pending. The petitioner made enquiries as to the non-registration of the document and came to know that the beneficiary under the Will, viz., Mr.V.M.Shanmugam, while he was alive, has executed a Power of Attorney dated 03.12.1999 in favour of one Lakshmi Ammal, who in turn, after the demise of Mr.V.M.Shanmugam, has sold the very same property to one Mr.Krishnamoorthy under the Sale Deed dated 18.08.2014 bearing Document No.2111/2014 and since the document presented for registration have not been registered, the petitioner came forward to file this writ petition.

3. Heard the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for a 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 in this writ petition, directs the petitioner to submit a representation to the respondents 1 and 2 for registration of the pending document within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 and 2, are directed to consider and dispose of the same, in accordance with law, after putting on notice, the respondents 3 to 5 and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 3 to 5.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

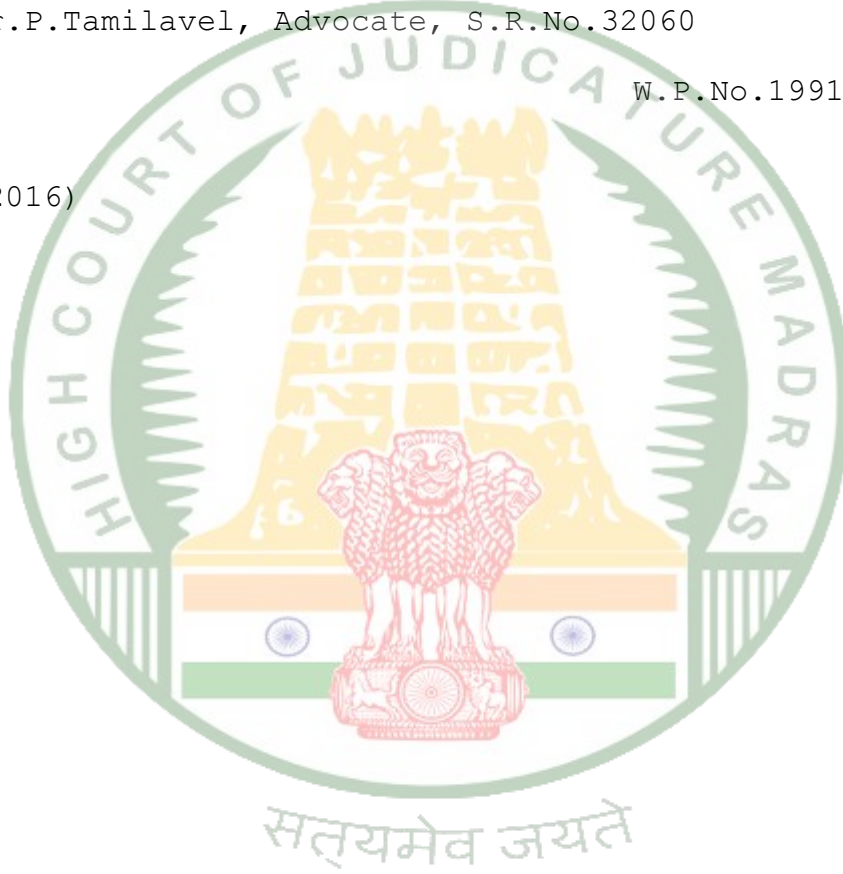
To

1. The District Registrar
O/o.The District Registrar,
Rangapalayam, Erode.
2. The Sub Registrar,
Ammamet, Bhavani Taluk
Erode District.

+lcc to Mr.P.Tamilavel, Advocate, S.R.No.32060

W.P.No.19911 of 2016

SNS (CO)
CA(23/06/2016)



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