

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34053 of 2015

1. C.C.Balachander
2. C.C.Baskar Babu
3. C.C.Jayachandran
4. C.C.Sarath Chandar
5. C.C.Premchandar ... Petitioners

Vs

1. The Inspector General of Registration
Santhome High Road
Mylapre
Chennai 4.
2. The District Registrar
Registration Department
South Chennai
Pallavaram
Chennai.
3. A.K.Isravel Dharmaraj ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to hold and conduct enquiry and pass order on the complaint/representation of the petitioners received by the second respondent on 14/2/2013 and the reminder dated 7/10/2015 given by the petitioner by exercising the power conferred under Circular No.67 dated 3/11/2011 issued by the first respondent to annul the documents viz., Deed of Power of Attorney No.2091/2001 dated 21/9/2001 and Sale Deed in document No.4616/2004 dated 4/11/2004 on the file of Sub-Registrar, Pallavaram, in respect of the housing site 1 Ground 1032 Sq.feet in SF No.256/1 Zamin Pallavaram, Tambaram Taluk.

For Petitioner ... Mr.Palani Selvaraj
For respondents ... Mr.M.Dig Vijaya Pandian
Additional Government Pleader
for R.R.1 and 2.

M/s.Bala & Daisy for R.3.

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O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.Palani Selvaraj, learned counsel for the petitioner, Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader for the respondents 1 and 2 and M/s.Bala & Daisy for the third respondent.

3. This writ petition has been filed, praying to direct the second respondent, to hold and conduct enquiry and pass order on the complaint/representation of the petitioners received by the second respondent on 14/2/2013 and the reminder, dated 7/10/2015, given by the petitioner, by exercising the power conferred under Circular No.67, dated 3/11/2011, issued by the first respondent, to annul the documents viz., Deed of Power of Attorney No.2091/2001 dated 21/9/2001 and Sale Deed in document No.4616/2004 dated 4/11/2004, on the file of Sub-Registrar, Pallavaram, in respect of the housing site 1 Ground 1032 Sq.feet in SF No.256/1 Zamin Pallavaram, Tambaram Taluk.

4. The petitioners father bought the subject land from out of his income while he was working in Excise Department with the knowledge of the Department. The petitioners father died intestate on 27/5/1961. During the year 2006, one A.K.Iswel Dharmaraj was trying to interfere with the possession of the property, claiming that he had purchased through J.Dahnapal, Power holder of M.Chaittybabu, S/o. Munusamy Naidu. The Tahsildar, Tambaram, vide proceedings dated 5/4/2005, removed the name of the petitioners father in Patta No.2910 and transferred in the name of A.K.Iswel Dharmaraj.

5. The first petitioner filed an appeal to the Revenue Divisional Officer, to cancel the order of transfer of Patta No.2910. The Revenue Divisional officer, after conducting enquiry, set aside the order of the Tahsildar, since it was proved beyond doubt, as the documents of the opposite parties created by fraud and directed to issue patta in the name of the petitioners along with their mother Padmini Babu, as legal heirs of their deceased father. Despite the lapse of more than two

years, no steps were taken by the second respondent. Hence the petitioner has made a representation to the second respondent to hold and conduct enquiry. A reminder, dated 7/10/2015, was also given by the petitioner to the second respondent, to conduct enquiry, by exercising the power conferred under Circular No.67, dated 3/11/2011, issued by the first respondent. Since the same was pending consideration, the petitioner has come up with the present writ petition praying for the relief as stated therein.

6. Without going into the merits of the claim of the petitioner, the second respondent is hereby directed, to conduct enquiry, in the light of Circular No.67 dated 3/11/2011, issued by the first respondent to annul the documents viz., Deed of Power of Attorney No.2091/2001 dated 21/9/2001 and Sale Deed in document No.4616/2004 dated 4/11/2004 on the file of Sub-Registrar, Pallavaram, in respect of the housing site 1 Ground 1032 Sq.feet in SF No.256/1 Zamin Pallavaram, Tambaram Taluk., after affording an opportunity of hearing to the petitioner as well as to the third respondent and also to any other parties concerned, and pass an appropriate orders, on merits and in accordance with law, within a period of twelve 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 merits of the claim of the petitioners.

7. With the above direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar(CSIII)

dt:16.03.2016

True Copy

Sub-Assistant Registrar

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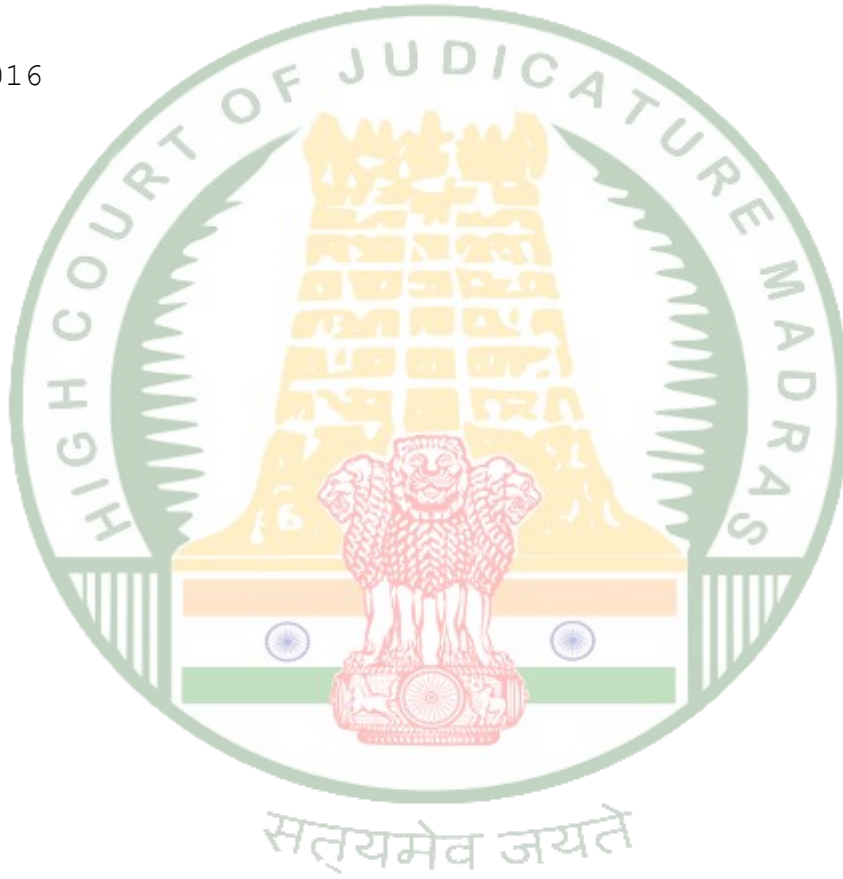
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+1 cc to Mr.Palaniselvaraj Advocate sr.13387/16
+1 cc to Government Pleader sr.13766/16

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