

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21330 of 2016

and

W.M.P.Nos.18260 and 18261 of 2016

Tamil Nadu Government Office Assistants and
Basic Servants State Central Association,
Rep. by its State President
Mr.K.Ganesan

... Petitioner

Vs.

1. The Inspector General of Registration
No.120, Santhome High Road,
Chennai-600 028
2. The District Registrar
South Chennai,
No.9, Jones Road,
Saidapet, Chennai-600 015
3. The Sub-Registrar
Padappai- 601 301,
Kancheepuram District.
4. Mrs.Indirani Palaniappan

5. Mrs.K.K.Chandra

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pursuant to the impugned order dated 09.05.2016 vide Ref. No.11790/ A3/ 2014 and quash the same and consequently direct the 3rd respondent to restore the documents cancelled to its original position and reflect the same in the Encumbrance Certificate.

For Petitioner : Mr.M.Kempraj

For Respondents : Mr.R.A.S.Senthilvel for R1 to R3
Additional Government Pleader

O R D E R

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

2.The petitioner claims that it is the recognized Association vide G.O.Ms.No.535, Public (Elections) Department, dated 23.02.1945 and had purchased vast extent of properties under various sale deeds, the details of which are given below:

Sl.No	Doc.No. and Date	Name of the Vendor
1	4335/1970 03.11.1970	dated Mr.Nagarathinam Iyer
2	4391/1970 06.11.1970	dated Mr.Gopalarathinam and S.Rajaraman
3	4402/1970 06.11.1970	dated N.Ramachandran and R.Viswanathan

The petitioner after effecting purchase, had also mutated the relevant revenue records and continues to remain in possession and enjoyment of the said lands in question.

3.The petitioner would further state that certain allegations were levelled as if the petitioner were indulged in land grabbing and the second respondent vide proceedings dated 09.05.2016 had reached the conclusion that the general power of attorney bearing document no.1152/2010 is the bogus document and based on which, very many sale deeds came into being. The second respondent has also granted liberty to the third respondent to proceed against the persons concerned under Sections 82 and 83 of the Registration Act. The petitioner challenging the legality of the said order, filed statutory appeal before the first respondent and it is yet to be taken on file.

4.The grievance now expressed by the petitioner is that, the statutory appeal is yet to be numbered, criminal prosecution is also launched and civil proceedings are also pending and the third respondent is proceeding further under Sections 82 and 83 of the Registration Act and therefore, came forward to file this writ petition.

5.Heard the submissions of Mr.M.Kempuraj, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

6. 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, directs the first respondent to take up the statutory appeal dated 08.10.2015 filed by the petitioner on file, if the papers are otherwise in order and put respondents 4 and 5 on notice and dispose of the appeal, in accordance with law, as expeditiously as possible, preferably within a period of ten weeks from the date of receipt of a copy of this order and till then, defer further decision in terms of the impugned order dated 09.05.2016. The petitioner association as well as the respondents 4 and 5 are directed to extend their maximum co-operation to the first respondent for the earlier disposal of the statutory appeal.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration
No.120, Santhome High Road,
Chennai-600 028
2. The District Registrar
South Chennai,
No.9, Jones Road,
Saidapet, Chennai-600 015
3. The Sub-Registrar
Padappai- 601 301,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.34939

W.P.No.21330 of 2016
and

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UG(CO)
CA(11/07/2016)