

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.37164 of 2015

R.Meenatchi Achi,
Rep. by her Registered Power Agent,
V.C.Baskaran,
Mr.V.Chandran.

.. Petitioner

Vs.

1. The Inspector General of Registration
Office of the Inspector General of Registration
Mylapore, Chennai-28.
2. The District Registrar
Office of the District Registrar
Karaikudi.
3. R.Chinnakaruppan
4. P.Palaniyappan
5. C.Sundari
6. K.Indhira
7. M.S.Ramachandran
8. N.Kandan
9. K.Vasantha
- 10.K.Periyasami
- 11.M.Saravanan
- 12.Kasim
- 13.Veerappan.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first respondent to hear the appeal dated 08.04.2015 on merits on the basis of the dismissal of the writ petition in WP.No.13056 of 2012 dated 17.07.2014 and direct to dispose of the petitioner's appeal petition dated 08.04.2015 in accordance with the Section 82 and 83 of the Registration Act and upheld in the connected writ referred to above.

For Petitioner : M/s.R.Boopathy

For respondents: M/s.P.Rajalakshmi, GA for R1 and R2.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the first respondent to hear the appeal dated 08.04.2015 on merits, on the basis of the dismissal of the writ petition in WP.No.13056 of 2012 dated 17.07.2014 and direct to dispose of the petitioner's appeal petition dated 08.04.2015 in accordance with the Section 82 and 83 of the Registration Act.

3.The petitioner is the absolute owner of the larger extent of land measuring to an extent of 2464sq.mtr in Town Survey No.1230/1, 1231, 1233, 1234, 1235/1, 1240/3, 1299/1, 1229/3 and 1239/1, Ponnamaravathi Village, Ponnamaravathi Taluk, Karaikudi District, the same was acquired by her through her husband, who acquired the same by means of ancestral properties, she also obtained individual patta in her name issued by the Tahsildar, Ponnamaravathi Taluk.

4.While so, the respondents 3 to 13 have obtained certain forged and invalid sale deeds registered before Sub Registrar, Ponnamaravathi in Doc.Nos.62/2010, 977/2010, 1355/2010, 3071/2010, 338/2011, 2697/2011, 544/2012, 2501/12 and 125/2008 the said documents were executed on the strength of the forged and fictitious patta in their predecessor's name to create title. Hence, the Principal of the petitioner filed a petition dated 24.04.2014 before the second respondent to cancel the said illegal documents. The said petition was kept pending for quite long time, the petitioner filed WP.(MD).No.9978 of 2014 before the Madurai Bench of this Court and the same was allowed by directing the second respondent to dispose of her petition within six months on merits. In compliance, to the order of this Court, the second respondent conducted an enquiry and asked the parties to produce the parent documents and relevant records to prove their title. In the enquiry, the petitioner authorised one Meiyappan to let in evidence on behalf of her by means of valid title deeds. The second respondent in his enquiry report concluded that the petitioner is the absolute owner of the said properties and the documents furnished by the respondents 3 to 13 are subject to the proceedings under Section 82 and 83 of the Registration Act and in view of the stay order passed in WP.No.13056 of 2015 dated 17.07.2014 and the Circular of the first respondent dated 03.11.2011 and the passed his proceedings Na.Ka.No.2308/A-1/2014 dated 02.02.2015, holding that the registered sale deed of the respondents 3 to 13 are invalid under law, but did not cancel the same for the reason, interim stay granted by this Court is pending, without considering the dismissal of WP.No.13056 of 2012 in the writ petition batch

13740 of 2014 dated 23.06.2014 and directed to initiate criminal proceedings against the respondents 3 to 13, without cancelling their sale deeds, inspite of the dismissal of the above said writ petitions, simply directed the parties to prefer an appeal before the first respondent.

5. Aggrieved over the said order of the second respondent dated 02.02.2015, petitioner preferred an appeal before the first respondent on 08.04.2015. The first respondent without considering the dismissal of the writ petition, by citing the interim stay granted in some other earlier writ petition as a reason is not hearing, the petitioner's appeal on merits. Hence, the petitioner filed the present writ petition before this Court.

6. Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

7. This Court, is of the opinion, that when there is no interim order from Court as against the order passed by the second respondent there cannot be any impediment for the first respondent to hear the appeal. Hence, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to conduct enquiry and dispose of the petitioner's appeal dated 08.04.2015 within a period of eight weeks, from the date of receipt of a copy of this order, on merits and in accordance with law after affording opportunity of personal hearing to the petitioner as well as to the respondents 3 to 13 and to the necessary parties, if any.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

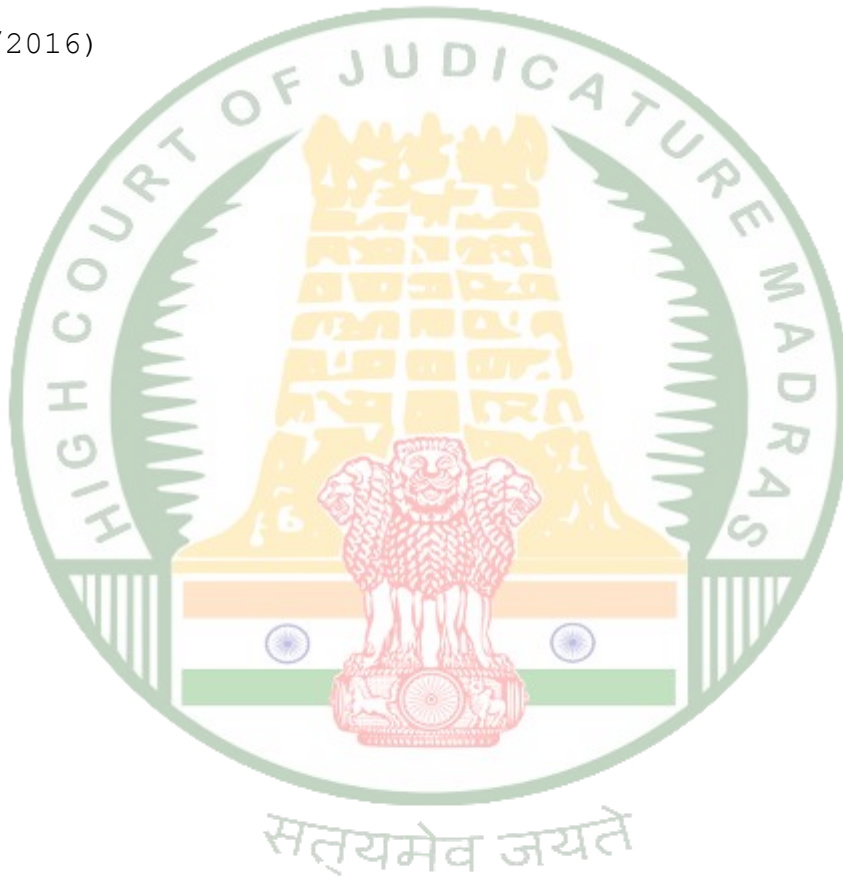
1. The Inspector General of Registration
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Mylapore, Chennai-28.

2. The District Registrar
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Karaikudi.

+lcc to Mr.R.Boopathy, Advocate Sr.9075
+lcc to the Government Pleader Sr.9146

W.P.No.37164 of 2015.

kgk (CO)
srg (01/03/2016)



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