

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23566/2016

Mrs.meena Wilson

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Petitioner

Versus

1.The Inspector General of Registration
NO.100, Santhome High Road
Foreshore Estate, Chennai 600 028.

2.The District Registrar
South Madras, Chennai 600015.

3.Miss Rani Mangaiyarkarasi

4.Mrs.P.Ladha

5.Mr.S.Manikandan

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to dispose of her representation dated 02.12.2015.

For Petitioner : Mr.R.Subramanian

For RR1 & 2 : Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner would state that she and her mother Tmt.Mariamamma Thomas are the absolute and exclusive owners of the house site comprised in S.No.2/2B1, admeasuring to an extent of 2800 sq.ft., bearing Plot No.381, VGP Golden Beach, Uthandi, Shozhinganallur Taluk, Kancheepuram District. Originally, the said property was purchased by her father vide registered Sale Deed dated 28.09.1978, [Document No.1357/1978], registered on the file of the office of the Sub Registrar, Neelangarai and

since he died intestate, the petitioner and her mother are the absolute owners of the said property and claims to be in possession also. The petitioner and her mother decided to dispose of the said property to meet their domestic financial commitments and accordingly, the representative of the petitioner's mother had applied for an Encumbrance Certificate bearing No.6278 dated 09.05.2014 on the file of the office of the Sub Registrar, Neelangarai and to their shock and surprise, they found that the 3rd respondent had fraudulently settled the said property in favour of the 4th respondent vide registered Settlement Deed dated 28.05.2010 [Document No.2597/2010] and the 4th respondent in turn, has executed General Power of Attorney in favour of the 5th respondent. The petitioner and her mother, in this regard, have submitted a detailed representation dated 02.12.2015 to the 1st respondent praying for appropriate action and since no response is forthcoming, she came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that in response to the said representation, the 1st respondent vide communication dated 24.12.2015 had directed the 2nd respondent to take appropriate action and inform the petitioner and despite that, the 2nd respondent did not chose to take any action whatsoever and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4 Heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to take note of the communication of the 1st respondent dated 24.12.2015 in Mu.Mu.No.55084/U2/2015 and dispose of the petitioner's representation dated 02.12.2015 on merits and in accordance with law, after putting on notice, the respondents 3 to 5 and pass orders within a period of six 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 respondents 3 to 5.

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

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

AP

To

1.The Inspector General of Registration
NO.100, Santhome High Road
Foreshore Estate, Chennai 600 028.

2.The District Registrar
South Madras, Chennai 600015.

1 cc to Government Pleader, Sr. 38535

1 cc to M/s.R. Subramanian, Advocate, Sr. 38382

W.P.No.23566/2016

PPA (CO)
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