

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.37506 of 2016

Chettianna Gounder

..

Petitioner

-Vs-

1.The Sub Registrar,
Malla Samuthiram,
Chandhapavadi,
Thiruchengod Taluk,
Namakkal District.

2. The Tahsildar,
Rasipuram Taluk Office,
Rasipuram, Namakkal District.

3. Kandasamy Gounder

..Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ directing the first respondent to pass orders on the representation dated 19.09.2016 seeking registration of instrument, by affording an opportunity to the 3rd respondent, on merits and within a time to be stipulated by this Hon'ble Court.

For Petitioner	: M/s.N.R.Jasmine Padma
For RR 1 & 2	: Mr.S.V.Durai Solaimalai
	Additional Government Pleader

ORDER

Heard M/s.N.R.Jasmine Padma, learned Counsel for the petitioner and Mr.S.V.Durai Solaimalai, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

2 The petitioner would state that he has purchased the property admeasuring to an extent of 4 acres comprised in S.Nos.188, 198/10B, 198/10J, 198/3, 199/10 and 199/11C situate in Akkaraipatti village, Rasipuram Division, Namakkal District for a valuable consideration and that the revenue records in respect of the said lands stands in the name of the petitioner herein and ever since the purchase, he is said to be in the possession and enjoyment of the said lands. The petitioner has further submitted the documents for registration with the 1st respondent. It is his further case that due to a sudden dispute that arose between the petitioner and his brother, the 3rd respondent herein, regarding the entitlement of his share in the said property, the 3rd respondent has raised an oral objection before the 1st respondent for registration of the documents. The petitioner has also submitted an application dated 19.09.2016 to the 1st respondent in the prescribed format and also paid

necessary fee and the application was received and assigned with No.27/2016 dated 20.09.2016. Despite the receipt of the same, the documents are neither registered nor the objection raised by the 3rd respondent / brother of the petitioner was considered. Therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 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 claim projected by the petitioner either in this writ petition or in his representation, directs the 1st respondent to consider and dispose of the petitioner's application dated 19.09.2016 on merits and in accordance with law after issuing notice to the 3rd respondent herein and on the petitioner presenting the said document with valid stamp duty and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

4 The writ petition stands disposed of with the above direction. No costs.

26.10.2016

AP

B.RAJENDRAN.,J.

AP

To

- 1.The Sub Registrar,
Malla Samuthiram,
Chandhapavadi,
Thiruchengod Taluk,
Namakkal District.
2. The Tahsildar,
Rasipuram Taluk Office,
Rasipuram, Namakkal District.

W.P.NO.37506 of 2016

