

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.43660 of 2016

V.R.Gunasekaran

... Petitioner

vs.

The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to consider the representation of the petitioner dated 26.09.2016 and grant patta in favour of the petitioner in respect of his 1/5th undivided share in 71 cents of land comprised in S.Nos.419/3 and 419/4 at Sholinganallur Village, Sholinganallur Taluk, Kanchipuram District purchased by the petitioner under Registered Sale Deed dated 29.11.2007 bearing Document No.5934/2007 SRO Neelankarai.

For Petitioner : Mr.K.Sridhar

For Respondent : Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondent to consider his representation dated 26.09.2016 and grant patta in his favour in respect of his 1/5th undivided share in 71 cents of land comprised in S.Nos.419/3 and 419/4 at Sholinganallur Village, Sholinganallur Taluk, Kanchipuram District purchased by him under Registered Sale Deed dated 29.11.2007 bearing Document No.5934/2007 SRO Neelankarai.

2. According to the petitioner, he purchased 1/5th undivided share, interest and rights in 71 cents of vacant land in S.Nos.419/3 and 419/4 in Sholinganallur Village under a Registered Sale Deed dated 29.11.2007 from one J.Lakshmi and B.Bhagyalakshmi, represented by their duly constituted Power Agent B.Abdul Gaffar, registered as Document No.5934/2007 on the file of SRO, Neelankarai.

3. The grievance of the petitioner is that one P.Mohan Raj, claiming to be the owner of the entire property, submitted a representation to the Inspector General of Registration, seeking to initiate appropriate action, i.e. to remove the entries pertaining to the petitioner's Sale Deed dated 29.11.2007 bearing Document No.5934/2007 on the file of the Sub-Registrar, Neelangarai.

4. The District Registrar, Admin/DIG, Registration, South Madras issued notice to both parties on the above representation and the petitioner filed a written submission and gave oral evidence showing proof that his Sale Deed was genuine and that title to 1/5th undivided share in 71 cents in Survey Nos.419/3 and 419/4 had passed on to him. The police complaint given by the said P.Mohanraj had been investigated and the complaint was closed as mistake of fact. The District Registrar, after due enquiry and on a perusal of various other documents, rejected the complaint, by an order dated 20.01.2014. Suppressing the above facts, the said P.Mohan Raj has disposed of the property to some other parties. Hence, having no other alternative, the petitioner is before this Court seeking issuance of patta in respect of his 1/5th undivided share of property in question.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the respondent to consider the petitioner's representation dated 26.09.2016 on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.37477 of 2016 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

aeb

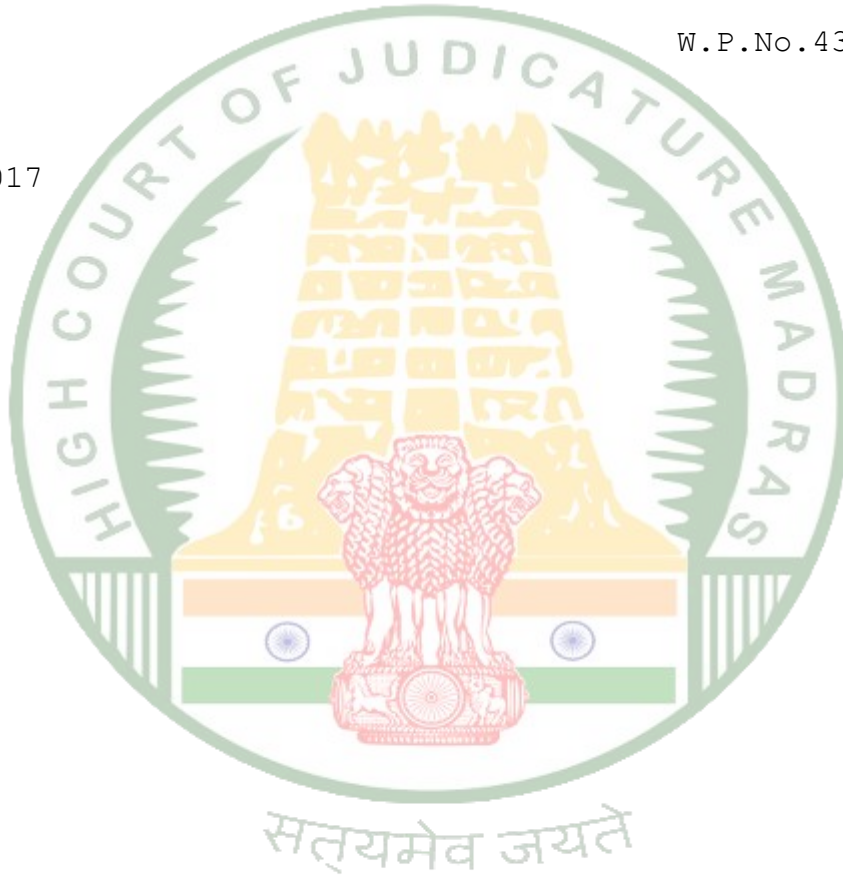
To:

The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.

+1 cc to Mr.K.Sridhar Associates sr 74121

W.P.No.43660 of 2016

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