

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5041 of 2016

1. K.Ramadoss
2. K.Vasu

.. Petitioners

Vs.

1.The Inspector General of Registration
Registration Department,
Government of Tamilnadu,
Pattinampakkam,
Chennai.

2.The District Registrar (Admin)
Chennai South, Chennai-15.

3.E.Stalin

4.E.Lenin

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the second respondent to dispose of the petitioner's Appeal/Representation dated 07.11.2012, in accordance with law within the time frame as fixed by this Court.

For Petitioners : M/s.K.R.Ramesh Kumar

For respondents : Mr.V.Jayaprakash Narayanan,
Spl.GP 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 second respondent to dispose of the petitioner's Appeal/Representation dated 07.11.2012.

3.The petitioners submit that the vacant land properties situated at Sundara Sollavaram Village, Poonamallee Taluk, Thriuvallur District, comprised in Paimash No.64, 65, and 67 in

Survey No.12/6 in all measuring a total extent of 5.65acres situated within the Registration District of Chennai South and Sub Registration District of Kundrathur originally belongs to one Kannaiah, he acquired the property under a Registered Will dated 07.09.1970 in Document No.52 of 1970 at Sub Registrar Office, Sembium. The first petitioner and one Dasarathan jointly purchased the said land from Kannaiah under a sale deed dated 26.05.1972 in Document No.3293 of 1972 at Office of the Registrar of Madras.

4.Subsequently, the said Dasarathan sold his share in the said property to the first petitioner's brother K.Vasu/second petitioner herein under the sale deed dated 17.10.2011 in Document No.13063 of 2011 at Sub Registrar Office, Kundrathur, from then onwards the petitioners are joint owners and in possession and enjoyment of the property. The petitioners having clear title in respect of the above property since 1949 to till date and evidencing their possession and patta No.7281 have also been issued.

5.In the meanwhile, one Andalammal claims title under a unregistered sale deed said to have been purchased from one Kuppusamy Naicker and obtained patta in respect of the said land in her favour in patta No.2. She bequeathed the property in favour of her grand son i.e, E.Stalin/third respondent under an unregistered Will dated 10.09.1997. The Andalammal died on 20.02.2008, afterward, the third respondent settled the lands in favour of his brother i.e, E.Lenin/fourth respondent under a registered settlement deed dated 11.05.2012 in Document No.6065 of 2012 at Sub Registrar Office, Kundrathur.

6.On verification of all the title deeds, the petitioners came to know that the sale deed dated 17.04.1961 is an unregistered sale deed, subsequently, the Will executed by the said Andalammal bequeathing the said property in favour of her Grand son on 10.09.1997 is also an unregistered document. Further, the patta extract bearing No.2 issued in favour of the Andalammal and the petitioners reflected only two survey numbers i.e, (S.No.12/2 and 12/5 measuring an extent of 0.66acres. But, the manual patta extract produced by the third and fourth respondents reflects additional Survey Nos.12/5 and 12/6 apart from two survey numbers (i.e, S.No.12/2 and 12/5), which shows that there has been some alterations in the patta produced by the third and fourth respondents.

7.Thereafter, the petitioners preferred an appeal before the second respondent on 07.11.2012 to conduct an enquiry on the forgery committed by the third and fourth respondent and also to set aside the settlement deed dated 11.05.2012 in Document No.6065 of 2012 executed by the third respondent in favour of the fourth respondent based on the forged patta pursuant to the

Circular No.67 dated 03.11.2011 issued by the first respondent. The petitioners also sent a representation to the first respondent on 08.03.2013, for the same relief as stated supra. The said appeal/representation is pending for more than three years, hence the petitioners before this Court by way of present writ petition.

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

9. This Court directs the second respondent to conduct enquiry and dispose of the petitioners appeal/representation dated 07.11.2012 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 petitioners as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion in respect of the claim prosecuted by the petitioner.

10. 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
Registration Department,
Government of Tamilnadu,
Pattinampakkam,
Chennai.

2. The District Registrar (Admin)
Chennai South, Chennai-15.

+2cc to Mr.K.R.RameshKumar, Advocate, S.R.No.9297
+1cc to the Government Pleader, S.R.No.8848

W.P.No.5041 of 2016.

vsn (CO)
srg (22/02/2016)