

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5496 of 2016

J.Paulraj

... Petitioner

vs.

1. The Inspector General of
Registration,
Santhom High Road,
Chennai-28.
2. The District Registrar,
Chengalpattu District Registration
Office,
Chengalpattu-1.
3. The Sub Registrar,
Sriperumbudur,
Kancheepuram District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and dispose of representation dated 23.7.2015 within the time bound manner.

For Petitioner : Mr.S.Balasubramaniam

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader.

ORDER

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

2. The petitioner has come up with the present writ petition for the issuance of writ of mandamus, directing the respondents to consider and dispose of his representation dated 23.7.2015 within the time bound manner.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner is the owner of the lands in No.136, Vaipur B Block, Eraiyur Village, Sriperumbudur Taluk, Kancheepuram District bearing Survey Nos.141/6 - 56 cents, 141/7 - 35 cents, 142/3 - 95 cents, 153/12B - 35 cents, 153/12D3 - 59 cents, 155/2B - 18 cents, 155/3 - 56 cents, 155/6 - 36 cents, 155/7 - 33 cents, 156/3B - 50 cents, 156/4 - 2 acres and 41 cents, 156/5A - 93 cents, 156/5B - 66 cents, 157/1 - 92 cents, 157/2 - 97 cents, 157/3 - 33 cents, 157/4 - 29 cents, 157/5A - 14 cents, 157/5B - 15 cents and 154/1 - 24 cents in all 11 acres and 77 cents. He is in possession and enjoyment of the same by paying kist till date. He is holding patta for the above said lands and cultivating the same.

(b) While so, one J.Sankarakrishnan, son of S.Jagadeesan filed a suit in O.S.No.155 of 2007 before the learned Principal District Judge Chengalpattu, now pending before the learned District Judge-II, Kancheepuram in O.S.No.374 of 2010 as against the petitioner for specific performance as if the petitioner entered into a sale agreement dated 28.3.2007 with him for settling the above said lands for a sum of Rs.81,00,000/-. Thereafter, the petitioner filed a suit in O.S.No.115 of 2007 before the learned Subordinate Judge, Kancheepuram, now pending before the learned Additional District Judge, Chengalpattu, for declaration to declare that the alleged sale agreement dated 28.3.2007 is null and void and not binding on him. Now, both the suits are pending.

(c) When the petitioner applied for encumbrance certificate in respect of his properties located at various places including Eraiyur lands, he found that the said J.Sankarakrishnan has executed a sale agreement in respect of his properties in the capacity of agreement holder, to his father S.Jagadeesan and the same was registered in the office of the Sub Registrar, Sriperumbudur as document No.11645 of 2007 dated 2.5.2007. In the said document, no time frame was fixed for execution of sale deed except saying that after paying the remaining sale consideration, the sale deed would be registered. Hence, the petitioner has given an objection petition to the third respondent on 30.4.2007 and the same was received by the third respondent. When suits are pending before the competent civil Courts, the said J.Sankarakrishnan cannot deal with the petitioner's land. In this regard, he sent a representation dated 23.7.2015 to the respondents to take action against the said J.Sankarakrishnan and requested them to remove the encumbrance created by him. Thereafter, the first respondent sent a memo dated 27.8.2015 to the second respondent directing him to take further action. But, till date, no action was taken on the representation of the petitioner. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondents to consider and dispose of his representation dated 23.7.2015.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 23.7.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.
sbi

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Inspector General of
Registration,
Santhom High Road, Chennai-28.
 2. The District Registrar,
Chengalpattu District Registration
Office,
Chengalpattu-1.
 3. The Sub Registrar,
Sriperumbudur,
Kancheepuram District.
- + 1 cc to Mr.Balasubramanian, Advocate, SR 9478
- + 1 cc to Government Pleader, High Court, Madras SR 9640

mg(co)
prk2/3

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