

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6418 of 2016

Sane Renewable Energy Pvt. Ltd.
Rep. by its Director
S.Sankaranarayanan
S/o.G.Srinivasan
D.Udayam Marvel, 1, Kaliga Colony,
P.T.Rajan Salai, K.K.Nagar,
Chennai-600 078. ... Petitioner

Vs

1. The Inspector General of Registration
No.100, Opposite to Santhome Church,
Foreshore Estate, Chennai-600 028.
2. The Sub-Registrar,
Sub Registrar Office, No.2/07-A,
Mayilam Pandya Road,
Vanur-605 109.
Villupuram District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the first Respondent to dispose of the Appeal No. Nil filed by the petitioner dated 03.09.2015 and pass orders on merits.

For Petitioner : Mrs.Thenmozhi Shiva Perumal
For Respondents : Mr.V.Jayaprakash Narayanan, SGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first Respondent to dispose of the Appeal dated 03.09.2015 filed by the petitioner on merits.

2. It is the case of the petitioner that the petitioner company is the absolute owner and in possession of an industrial land to an extent of 7.36 acres in S.Nos.450/2A, 450/2B and 450/3A situated at Vanur Village, Villupuram

District, which is meant for power plant, as approved by the Government of Tamil Nadu. While so, during the general verification of Encumbrance Certificate pertaining to the lands of the company on 10.02.2015, the petitioner found adverse entries showing some fraudulent sale deeds on the said power project land. On scrutiny of the copy of the documents obtained from the Sub Registrar Office, Vanur, they found that two documents bearing Nos.4772/2013 and 4773/2013 were executed by unauthorised persons and were fraudulently registered, based on fabricated false documents produced by the said unauthorised persons. Hence, the petitioner made a written complaint to the second respondent on 19.03.2015 about the alleged sale deeds executed by the third parties and requesting the authority to annul those sale deeds. However, the second respondent without providing due opportunity of personal hearing to the petitioner, closed the petitioner's complaint by the proceedings dated 30.06.2015, against which, the petitioner preferred an appeal dated 03.09.2015 to the first respondent. But, till date, no order has been passed by the first respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the appeal filed by the petitioner dated 03.09.2015, by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector General of Registration
No.100, Opposite to Santhome Church,
Foreshore Estate, Chennai-600 028.

2. The Sub-Registrar,
Sub Registrar Office, No.2/07-A,
Mayilam Pandu Road,
Vanur-605 109.
Villupuram District.

+1 cc to Government Pleader sr.11401

+1 cc to Mrs.Thenmozhi Shivaperumal Advocate sr.11577

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