

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6625 of 2016

Muniyamma

... Petitioner

Vs.

1. Inspector General of Registration
100, Santhome High Road,
Chennai - 28.
 2. Additional Inspector General of Registration,
Salem.
 3. The District Registrar,
Krishnagiri.
 4. The Sub Registrar
Hosur, Sub Registration Office, Hosur.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 11.01.2016 and dispose of the same in accordance with law and the Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 for cancellation of fraudulent transfer made in respect of land to an extent of 1.02.0 Hectare in Survey No.745/2A of Mookandapalli Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.P.Sanjay Gandhi

Additional Government Pleader

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O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the third respondent to consider the petitioner's representation dated 11.01.2016 and dispose of the same in accordance with law and in the light of Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 for cancellation of

fraudulent transfer made in respect of land to an extent of 1.02.0 Hectare in Survey No.745/2A of Mookandapalli Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Court.

3. In the petition it is stated that the land measuring an extent of 1.02.0 Hectare comprised in Survey No.745/2A of Mookandapalli Village, Hosur Taluk, Krishnagiri District belonged to the petitioner's husband and the said land was classified for the benefit of Adi Dravidars and they belonged to Adi Dravidar community. The said land was allotted to the petitioner's husband as he belonged to the Adi Dravidar community with certain terms and conditions. One of such condition is that the said land shall not be transferred or alienated to any other community people other than the Adi Dravidar community and patta was also issued for the said land and they are in peaceful possession and enjoyment of the said land for more than 40 years.

4. It is further stated that the petitioner's husband died intestate on 09.09.2003 leaving behind the petitioner and six children. After the death of the petitioner's husband, she approached the fourth respondent for computerized patta with an intention to avail loan from Nationalised Bank and to her shock, she came to know that out of the 1.02.0 Hectare, a portion of land appears to have been fraudulently transferred by one Venugopal to some third parties without any right or title. Infact, the petitioner's husband did not execute any Power of Attorney in favour of anyone. In this regard, the petitioner made a representation dated 11.01.2016 to the revenue officials, but the same was not considered. Hence, this petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

6. Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court is constrained to pass the following order:

This Court directs the petitioner to give a copy of the representation dated 11.01.2016 along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent on receipt of the same, is directed to conduct enquiry by affording opportunity of personal hearing to the petitioner as well as the said Venugopal and other necessary parties, if any, and pass appropriate orders, in the light of Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.
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-s/d-
Assistant Registrar (CS-IV)

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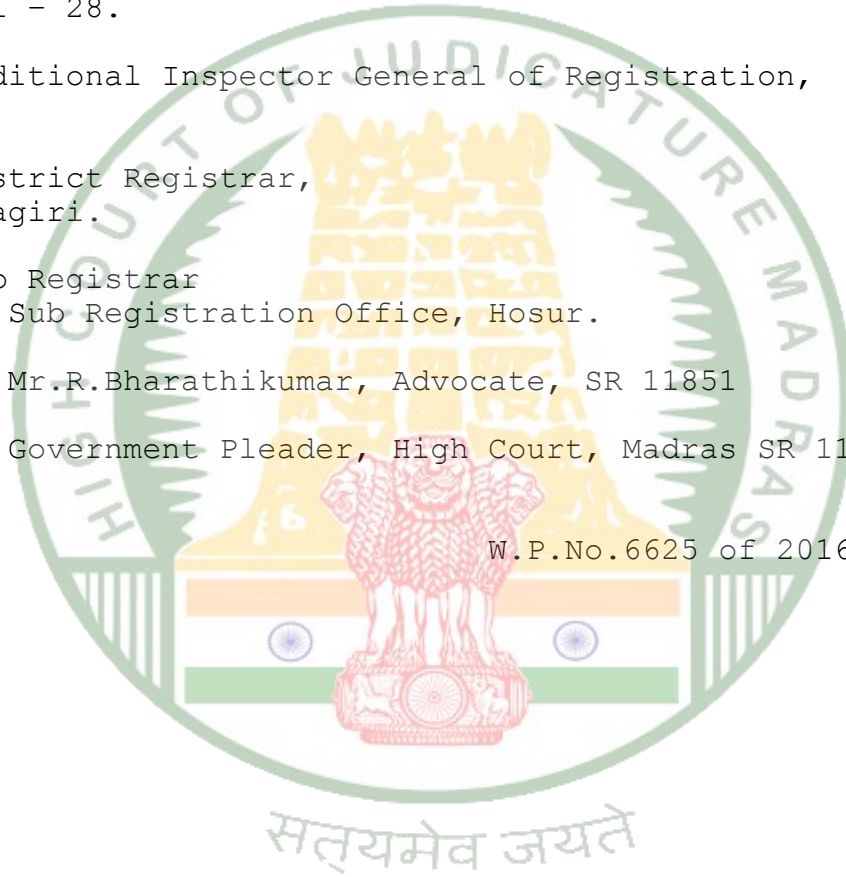
Sub-Assistant Registrar

To

1. The Inspector General of Registration
100, Santhome High Road,
Chennai - 28.
 2. The Additional Inspector General of Registration,
Salem.
 3. The District Registrar,
Krishnagiri.
 4. The Sub Registrar
Hosur, Sub Registration Office, Hosur.
- + 1 cc to Mr.R.Bharathikumar, Advocate, SR 11851
+ 1 cc to Government Pleader, High Court, Madras SR 11734

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