

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7452 of 2016

N.Raghunathan

... Petitioner

Vs.

The District Registrar
Land Grabbing Cell, North Chennai,
Rajaji Salai, Chennai-1.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to dispose of the petitioner's complaint dated 16.02.2015 registered as No.1389/B5/2015 dated 20.05.2015 by fixing an enquiry at the earliest.

For Petitioner : Mr.Asif Ali.
For respondent : Mr.V.Jayaprakash Narayanan,
Spl.GP.

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 forward with the present Writ Petition seeking for issuance of mandamus to direct the respondent to dispose of the petitioner complaint dated 16.02.2015 registered as No.1389/B5/2015 dated 20.05.2015 by fixing an enquiry at the earliest.

3.The petitioner purchased plot bearing No.221 in survey No.190/B1/A and 190/A/1 at Soorapattu Village, Ambattur Taluk, Tiruvallur District previously Saidapet Taluk, Chengalpattu District measuring 3200sq.ft under a sale deed dated 29.09.1997 in Doc.No.3846 of 1997 in the office of SRO, Ambattur from B.Kuppan s/o.Balasundaram residing at No.20, Kallikuppam Road, 5th lane, Venkatapuram, Chennai-53. The Encumbrance certificate upto 1997 show that there is no encumbrance on the property, as on date the petitioner is in possession and enjoyment of the said property.

4.The petitioner when started to develop the property in February 2015, one Nirmala representative of one Balamurugan came to the plot and claimed ownership of the said plot, stating

that she purchased the property from B.Kuppan and obstructed the petitioner. The petitioner applied for EC from 1997 to February 2015 and found the property was sold second time to Nirmala by the said Kuppan and others vide sale deed dated 15.06.2005 in Doc.No.6106 of 2005 in SRO, Ambattur.

5.Subsequently, the plot No.221 was settled by one Sakunthala in favour of S.Murthy on 04.05.2011 bearing Doc.No.4009 of 2011 in SRO Ambattur, without any ownership and title over the same. The said Kuppan and his family after a period of nine years, with an intention to grab the land, fraudulently sold the property for second time to Nirmala.

6.The said Nirmala is no more. Hence now her legal heirs are trying to disturb the possession of the petitioner. Both the sale deed in favour of J.Nirmala and the settlement deed in favour of S.Sakunthala are non-est. From the date of purchase i.e, on 29.09.1997, the petitioner is in possession and enjoyment of property. Hence, the above said two documents have to be declared as non-est or to be cancelled.

7.The petitioner complained about both the fraudulent transactions to the police on 13.02.2015, but the police did not take any action and asked the petitioner to approach the civil court, as the complaint is civil in nature.

8.The petitioner approached the respondent/District Registrar, North Chennai, Rajaji Salai, Chennai on 16.02.2015 to persue the documents and to cancel the fraudulent documents. The respondent registered the same as complaint No.1389/B5/2015. The respondent has not sent any communication for conducting enquiry, stating that there is no Presiding Officer to conduct the enquiry. Hence, the petitioner approached this Court.

9.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondent.

10.Considering the facts and circumstances, this Court directs the respondent to dispose of the complaint dated 16.02.2015 in complaint No.1389/B5/2015 within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to Kuppan and others, Legal heirs of J.Nirmala, S.Sakunthala and S.Murthy and other necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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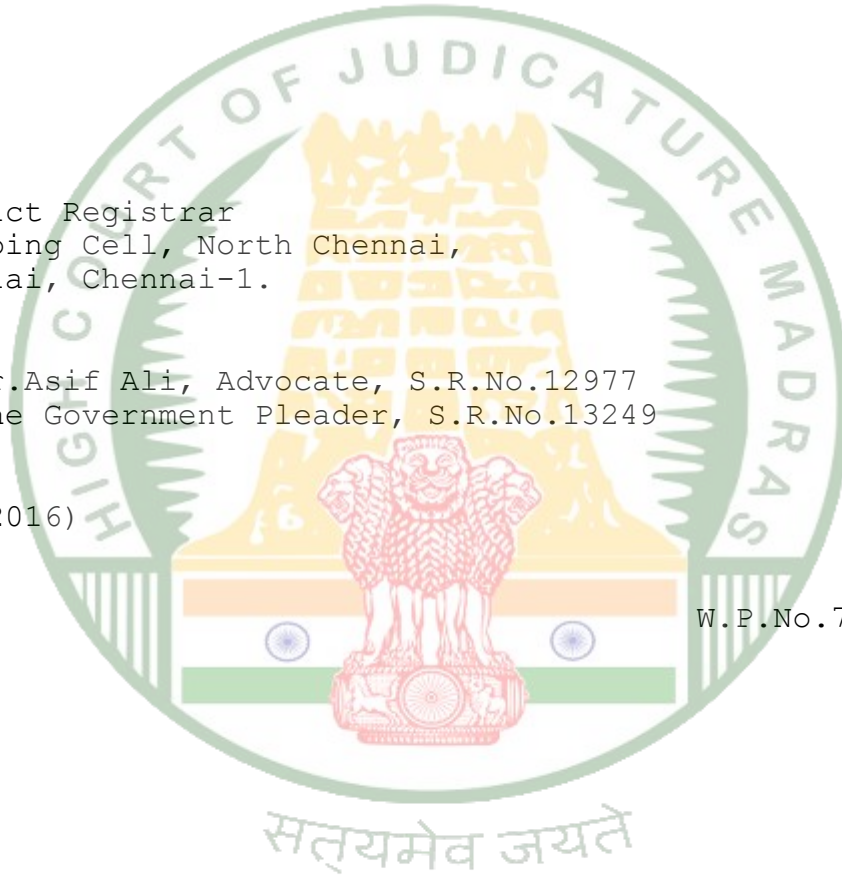
To

The District Registrar
Land Grabbing Cell, North Chennai,
Rajaji Salai, Chennai-1.

+1cc to Mr.Asif Ali, Advocate, S.R.No.12977
+1cc to the Government Pleader, S.R.No.13249

CA(CO)
EU(21/03/2016)

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