

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7490 of 2016

Ravi Kumar

... Petitioner

Vs.

The State

rep. by The District Registrar,
North Registration District,
Chennai.

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider and dispose of the representation dated 19.01.2016 of the petitioner within a stipulated period.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.P.Rajalakshmi, GA

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 19.01.2016 and dispose of the same, within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The petitioner had purchased a property situated at S.No.212, Kovilpadagai Village, Ambattur Taluk, Thiruvallur District, North Chennai Registration District, by way of Sale Deed dated 25.06.2013, registered as Doc.No.7269/2013, which was executed by Power of Attorney Mr.Shantha Kumar, on behalf of his principal Muniappa Chowdry.

2-2.The said Muniappa Chowdry had obtained the title of the said property on 07.02.1979, after the death of his father Kuttiappa Chowdry, who had executed a Will dated 05.10.1972, registered as Doc.No.20/1972, before the Sub-Registrar, Ambattur. The said Muniappa Chowdry had also filed a suit in O.S.No.201/2011 before the District Munsif Court, Ambattur, against the one Ravi, Kuppan and Bharath, for

permanent injunction. The said suit was decreed in favour of the said Muniappa Chowdry on 01.02.2013. The said order dated 01.02.2013 was also registered before the Sub-Registrar, Ambattur. Thereafter, the petitioner has purchased the above said land from the said Muniappa Chowdry through his Power Agent.

2-3. When the petitioner approached the revenue authorities viz., Tahsildar, Ambattur seeking to issue patta in his favour, he was informed that the patta cannot be issued in his favour, since a part of the said land is owned by three other persons. Thereafter, the petitioner got information through RTI Act and found that one Murugammal had claim ownership over the said property and she had also settled the same in favour of her grandson Gopi, by way of Settlement Deed vide Doc.No.2344/2012. The said Gopi had executed a Power of Attorney on 05.02.2012, registered as Doc.No.415/2012 on the file of the Sub-Registrar, Ambattur, appointing one A.Vasanthi Premavathy as his power of attorney and she has executed three sale deeds viz., Doc.Nos.3297/2012, 3298/2012 & 3299/2012, thereby they attempted to convey part of subject land as plots measuring 1600 sq.ft, 1229 sq.ft and 1200 sq.ft respectively. According to the petitioner, the said documents are false and fabricated by the said persons. Hence, the petitioner made an appeal before the RDO with regard to the above said 39 cents of land, which has been illegally transferred. After perusal and verification of the entire documents, the RDO by order dated 30.09.2015 declared that the petitioner is the absolute owner of the subject property, pursuant to which, the Tahsildar has also granted Patta dated 15.12.2015 in favour of the petitioner. Thereafter, the petitioner has made representation dated 19.01.2016 before the 1st respondent requesting to cancel the documents namely Doc.No.2344/2012, 415/2012, 3297/2012, 3298/2012 and 3299/2012, as contemplated under Circular No.67, dated 03.11.2011 issued by the Inspector General of Registration, which empowers the District Registrar to enquire and investigate into the fraudulent transaction including forged document. Since the petitioner's representation was not considered by the respondent, the petitioner has filed the present writ petition for the relief as stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the respondent to consider the representation dated 19.01.2016 given by the petitioner, as per the Circular No.67, dated 03.11.2011, issued by the Inspector General of Registration, and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, on merits and in accordance with law, within a period

of twelve weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.

No costs.

ssv

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

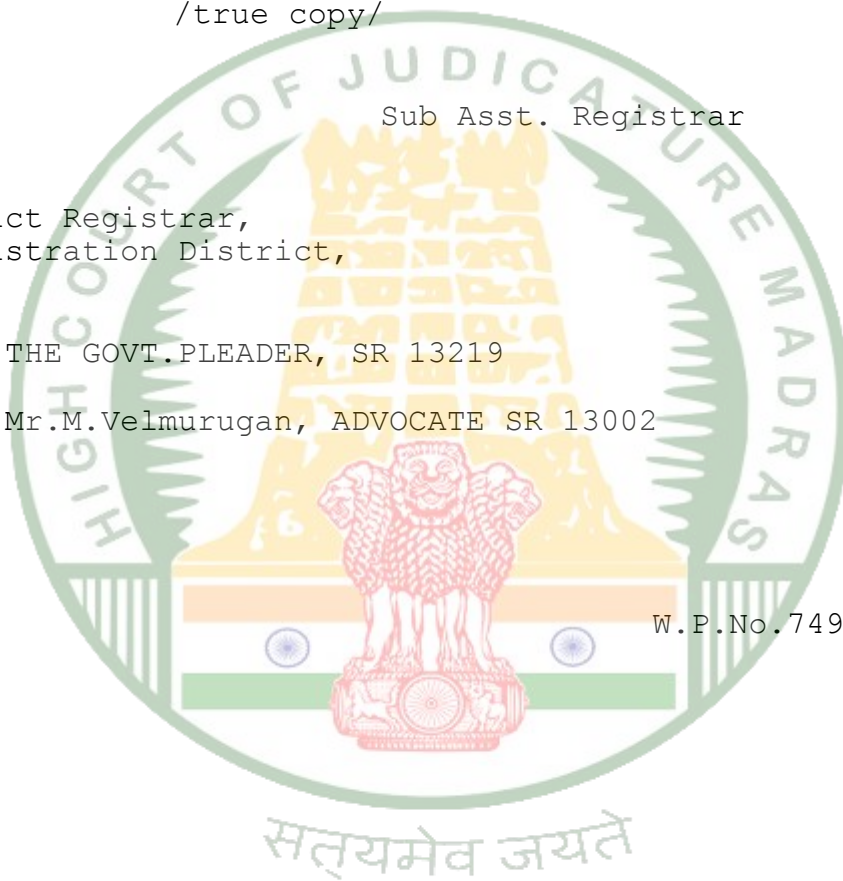
The District Registrar,
North Registration District,
Chennai.

+ 1 CC TO THE GOVT.PLEADER, SR 13219

+ 1 CC TO Mr.M.Velmurugan, ADVOCATE SR 13002

KR/8/3/16

W.P.No.7490 of 2016



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