

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.7491/2016 & WMP.Nos.6706 & 6707/2016

Mrs.S.Sanathi

.. Petitioner

Versus

1.The Inspector General of Registration
O/o.the Secretary, Revenue Chief
Secretariat, Puducherry.

2.The District Registrar,
O/o.The District Registrar
New Saram, Puducherry 605008.

3.The District Collector
Department of Revenue & Disaster
Management, Government of
Puducherry, Saram, Puducherry.

4.The Tahsildar
Taluk Office, Puducherry.

5.Mrs.Marie Eugenie Vanarodja ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent herein to dispose the pending Appeal No.1/2016 filed on 13.01.2016 against the order in DRP.No.45/2015 dated 11.12.2015 passed by the 2nd respondent herein within the stipulated period prescribed by this Court.

For Petitioners : No appearance
For RR 1 to 4 : Mrs.D.Reena Iswariya, AGP
[Puducherry]
For R5 : No appearance

ORDER

The learned counsel for the petitioner is absent. This Court, taking into consideration, the limited scope of prayer sought for by the petitioner, is inclined to dispose of the writ petition itself.

2 The petitioner claims to have purchased a property through a registered Sale Deed bearing Document No.336/2012 dated 27.01.2012, registered on the file of the Office of the Sub Registrar, Puducherry and claims to be in possession and enjoyment of the property admeasuring to an extent of 1656 sq.ft. bounded by East: Mada Koil Street, West:House of Nithyadevi, North: The house of Miscel Palikar and South by: Kandappa Mudaliyar Street. The petitioner would further state that the 2nd respondent has issued notice of summon dated 29.09.2015 for which the petitioner has submitted his written explanation on 03.11.2015 stating that she is the bona fide purchaser of the said property for a valuable consideration. However, the 2nd respondent has passed an order on 11.12.2015 in DRP.No.45/2015 by invoking section 68[2] read with 75[4] of the Registration Act, 1908, and cancelled the following documents/deeds:-

- [1] Settlement Deed No.2937 dated 10.08.2001.
- [2] Cancellation Deed No.3669 dated 23.08.2004
- [3] Sale Deed No.3604 dated 07.07.2008
- [4] Sale Deed No.336 dated 27.01.2012.

The petitioner aggrieved by the said order of the 2nd respondent, preferred an appeal before the 1st respondent on 13.01.2016 and the same was taken on file and numbered as Appeal No.1/2016 and the 1st respondent, vide communication dated 01.02.2016, has called upon the petitioner to file either the original copy or the certified copy of the order dated 11.12.2015 and accordingly, the learned counsel for the petitioner, vide Memo dated 08.02.2016, submitted the same to the 1st respondent. The grievance expressed by the petitioner is that the appeal has not been given disposal by the 1st respondent and therefore, the petitioner has come forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mrs.D.Reena Ishwariya, learned Additional Government Pleader [Puducherry], appearing for the respondents 1 to 4.

4 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 1st respondent to dispose of the appeal in Appeal No.1/2016 pending on his file in accordance with law, after putting on notice the 5th respondent herein and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent herein.

5 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector General of Registration
O/o.the Secretary, Revenue Chief
Secretariat, Puducherry.
- 2.The District Registrar,
O/o.The District Registrar
New Saram, Puducherry 605008.
- 3.The District Collector
Department of Revenue & Disaster
Management, Government of
Puducherry, Saram, Puducherry.
- 4.The Tahsildar
Taluk Office, Puducherry.

+1cc to Mr.G.Thangavel, Advocate sr.38904
+1cc to the Government Pleader Sr.38954

सत्यमेव जयते

W.P.No.7491/2016

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srg 23/07/2016

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