

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7535 of 2016

Jenneth Basha

... Petitioner

Vs.

The District Registrar
Saidapet, South Chennai,
Chennai-15.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the respondent to consider the representation dated 11.03.2015 within a reasonable period.

For Petitioner : Mr.P.Sam Japa Singh.

For respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader

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 consider the representation dated 11.03.2015.

3.The petitioner entered into an unregistered agreement for joint development on 30.12.2014 for construction of house with M/s.Mars Foundations Rep. by its Partner T.M.Kumaravel and P.Sirajudeen having officer at 5/20, Temple Avenue, Srinagar Colony, Saidapet, Chennai. The petitioner executed general power of attorney in favour of the above persons on 15.12.2004 before the Sub Registrar, Adyar in Document No.1920 of 2004 in Book No.IV.

4.As per the terms and conditions of the unregistered joint development agreement the works were not completed. Whiles, to the shock and surprise of the petitioner, the above said company executed a mortgage deed in favour of one S.Prem Nazar s/o.late Shaul Hamid on 11.08.2009 in document No.2503/2009 on the file of Sub Registrar, Neelangarai. The petitioner did not give any authorization in the power of attorney to the said

company to execute mortgage deed to any person. Under such circumstances, the Sub Registrar ought not to have registered the mortgage deed executed by the company in favour of the said S.Prem Nazar. Hence, the petitioner sent a representation dated 11.03.2015 to conduct a detailed enquiry against the Sub Registrar, Neelangarai as well as against the other persons who are connected with the execution of mortgage deed. The said representation was not considered till date, hence, the petitioner filed the present writ petition.

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

6.Considering the facts and circumstances, this Court directs the respondent to dispose of the representation dated 11.03.2015, within a period of six 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 all the necessary parties. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The District Registrar
Saidapet, South Chennai,
Chennai-15.

+1cc to Mr.P.Sam Japa Singh, Advocate Sr.12979

W.P.No.7535 of 2016

rsi (CO)
srg (21/03/2016)