



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

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**THE HONOURABLE MR.JUSTICE M.VENUGOPAL**

**Writ Petition (MD). No.10088 of 2016**

M.Mohammed Iqbal

... Petitioner

Vs.

1.The Inspector General of Registration Department,  
Registration Department,  
100, Santhome High Road,  
Chennai-28.

2.The District Registrar,  
Thanjavur Registration District,  
Thanjavur.

3.The Sub-Registrar,  
Ayyampettai Sub-Registrar Office,  
Ayyampettai,  
Thanjavur District.

4.Mumthaj

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to take necessary steps to cancel the sale deed dated 14.9.1994 in Document No.642/1994 before the 3rd respondent and implement the order of the 1st respondent in his proceedings Mu.Mu.No.47149/U3/15 dated 27.10.2015.

For Petitioner

:Mr.K.Guhan

For Respondents

:Mr.K.Mahesh Raja

Government Advocate for R-1 to R-3

No appearance for R-4

### O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate appearing for R-1 to R-3. In respect of R-4, Court notice was served on 14.06.2016 and today, when the matter has been taken up for hearing, there is no appearance on her behalf either in person or through the Learned Counsel.



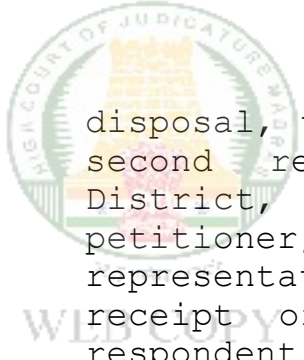
2. According to the petitioner, one Modeen Abdul Hameed (since deceased) executed a sale deed in favour of 4<sup>th</sup> respondent and the same was registered on the file of the 3<sup>rd</sup> respondent. The stand of the petitioner is that Modeen Abdul Hameed had no right to execute the sale deed in favour of the 4<sup>th</sup> respondent, because of the reason that he had not title over the property. As a matter of fact, the said Modeen Abdul Hameed executed the sale deed on the basis of source of title deed in Document No.942/1976 and the said document denotes right of Kodikaal only. But the said document was wrongly mentioned as sale deed.

3. The Learned Counsel for the Petitioner contends that the deceased Modeen Abdul Hameed had sold the property to other persons on the basis of document bearing No.942/1976 and that the revenue authority, without issuing proper notice to the concerned party, had independently sub-divided the Survey No.350/1 into 350/1A. In fact, the Revenue Authority, without conducting proper enquiry had issued a separate patta bearing No.672.

4. In this connection, the Learned Counsel for the Petitioner submits that the petitioner's Principal addressed a representation to the District Collector of Thanjavur on 27.10.2014 and the same was forwarded to the revenue authorities. The Revenue Authorities had conducted a proper enquiry and furnished a report. On the basis of the said report, the deceased Modeen Abdul Hameed and his legal heirs had no right over the property. Apart from that, they had recommended to delete the name of Modeen Abdul Hameed and his legal heirs in village records etc., Furthermore, the petitioner's Principal sent a representation to the respondents 1 & 2 during October 2015 with regard to cancellation of the Document Nos.942/1976 and 966/1976. As a matter of fact, the first respondent had accepted the petitioner's Principal's representation and forwarded the same by means of proceeding dated 27.10.2015 to the second respondent to enquire the said proceeding. However, there is no action till date.

5. The Learned Counsel for the petitioner proceeds to take a stand that the petitioner had received an information from the second respondent through communication dated 04.01.2016 that the document No.942/1976 could not be considered as 'Source of Title Document'. Under these circumstances, it is projected on the side of the petitioner that the 4<sup>th</sup> respondent had purchased the property from Modeen Abdul Hameed (since deceased) on 14.09.1994, registered as Document No.642/1994, which is not a valid one in the eye of Law and therefore, it is to be cancelled.

<https://hcservices.ecourts.gov.in/hcservices/> that as it may, in view of the fact that the petitioner's last representation dated 13.04.2016 is pending on the file of respondents 1 to 3 till date, without any progress or



disposal, this Court, to advance the cause of Justice, directs the second respondent/District Registrar, Thanjavur Registration District, Thanjavur, to take up the last representation of the petitioner, dated 13.04.2016, coupled with the earlier representations, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the second respondent is to proceed with the said representation(s) and to pass a reasoned, speaking order on merits, in a dispassionate manner (Of-course, after affording adequate opportunity to the petitioner, 4<sup>th</sup> respondent and others concerned, if any, by adhering to the principles of Natural Justice), within a period of 6 weeks thereafter. The petitioner is directed to lend his assistance and co-operation to the second respondent so as to enable him to dispose of his representation(s) within the time determined by this Court.

7. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

VS

To

- 1.The Inspector General of Registration Department,  
Registration Department, 100, Santhome High Road,  
Chennai-28.
- 2.The District Registrar,  
Thanjavur Registration District,  
Thanjavur.
- 3.The Sub-Registrar,Ayyampettai Sub-Registrar Office,  
Ayyampettai,Thanjavur District.

+1CC to Mr.K.Guhan, Advocate Sr.No.34558  
+1CC to Spl.Government Pleader Sr.No.34664

GJM/AAL/MPA/13.7.16-3p-6c

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