



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM:

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P. (MD) No.10166 of 2016

and

W.M.P. (MD) .No.7942 of 2016

S.Zahir Hussain

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
O/o.DIG of Registration,
St. Mark Street,
Sankar Colony,
Palayamkottai,
Tirunelveli District.

2. The District Registrar,
Department of Registration,
O/o. District Collector,
Korampallam,
Tuticorin.

3. The Sub Registrar,
Department of Registration,
Kayalpattinam,
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents particularly, the second respondent to consider the petitioner's representation dated 10.12.2015 submitted for the cancellation of the deed of sale dated 02.04.1981 bearing document No.463 of 1981 on the file of the third respondent by conducting appropriate enquiry proceedings forthwith and dispose of the same within a time frame as specified by this Court on merits and in accordance with law forthwith.

For Petitioner

: Mr.Palanivelayutham

For Respondents

: Mr.S.Sades Kumar

Additional Govt. Pleader



2. By consent, the main Writ Petition itself is taken up for final disposal.

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3. No counter is filed on behalf of the Respondents.

4. According to the Petitioner, he has filed the present writ petition praying for passing of an order by this Court in directing the respondents particularly, the second respondent to consider his representation dated 10.12.2015 submitted in regard to the cancellation of sale deed dated 02.04.1981 bearing Document No.463/1981 on the file of the Third Respondent by conducting an appropriate enquiry.

5. The grievance of the Petitioner is that his representation dated 10.12.2015 in the subject matter in issue has not seen the light of the day and it is still pending on the file of District Registrar, Department of Registration, Tuticorin.

6. At this stage, the learned Counsel for the Petitioner brings it to the notice of this Court that the vendors as well as the purchasers to the sale deed dated 02.04.1981 had suppressed the real legal-heirs of one Mohamed Abdul Khader Hajiar and therefore, the sale deed is not a genuine one and even the registration of the said document itself is *per se* not valid. In this connection, the Learned Counsel for the Petitioner submits that all the other legal-heirs including the petitioner are entitled to inherit the disputed properties. Therefore, the Petitioner has addressed a representation dated 10.12.2015 to the Second Respondent and the same is pending as on date without any progress.

7. Considering the fact that the petitioner's representation dated 10.12.2015 is pending on the file of the Second Respondent, at this stage, this Court, simpliciter, directs the Second Respondent to look into the representation of the Petitioner dated 10.12.2015 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Second Respondent shall pass orders on the representation of the Petitioner, on merits, in a fair, free, unbiased and in a dispassionate manner by passing a reasoned speaking order within a period of six weeks thereafter.

8. It is open to the Second Respondent to issue necessary notice to the concerned parties prior to the commencement of enquiry or dealing with the representation of the petitioner, dated 10.12.2015 and to dispose of the representation of the Petitioner within the time adumbrated by this Court. The Petitioner is directed to lend his assistance and unstinted co-



operation to the Second Respondent so as to enable him to dispose of the representation in issue within the time fixed by this Court as stated supra.

9. With the aforesaid observation and direction, the Writ Petition stands disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1. The Deputy Inspector General of Registration,
O/o.DIG of Registration,
St. Mark Street,
Sankar Colony,
Palayamkottai,
Tirunelveli District.
2. The District Registrar,
Department of Registration,
O/o. District Collector,
Korampallam,
Tuticorin.
3. The Sub Registrar,
Department of Registration,
Kayalpattinam,
Tuticorin District.

+One cc to Mr.S.Palanivelayutham, Advocate, SR.No.34493

+One cc to The Special Government Pleader, SR.No.34516

akv

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