



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10626 of 2016

Syed Abudhahir

..Petitioner

Vs

1. The District Registrar,
Dindigul District.

2. The Joint Sub-Registrar-II,
Joint Sub-Registrar Office-II,
Dindigul.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to consider the Petitioner's representation dated 18.4.2016 and made necessary entries in the Encumbrance Certificate with respect to the property in T.S.No.730/2 measuring an extent of 1 acre and 8 cents situated at Ward No.1, Dindigul Town.

For Petitioner : M/s.D.Venkatesh
For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

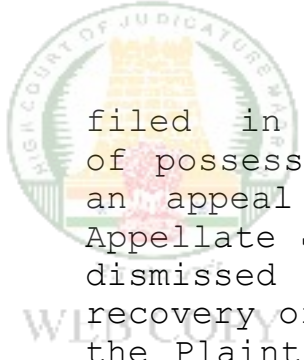
ORDER

Heard both sides.

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

3.The Petitioner in his detailed representation, dated 18.4.2016 addressed to the First Respondent/The District Registrar,Dindigul District, had inter-alia prayed in respect of the property in question for making valid entry in the Encumbrance Certificate about the handing over of property through Court and to change the patta etc.

4.It appears that the suit in O.S.No.1891 of 1992 filed by the Petitioner's grand- mother, his maternal uncle and mother before the District Munsif Court, Dindigul was decreed and the suit was



filed in respect of the relief of declaration and for recovery of possession. Later, the Defendants in the said suit, preferred an appeal in A.S.No.92 of 2004, on the file of the Learned Appellate Judge(Sub-Court,Dindigul) and the said appeal came to be dismissed on 8.2.2009. Also that, E.P.No.303/2002 was filed for recovery of possession based on the decree obtained in the suit by the Plaintiffs in the suit and on 7.3.2012, possession was handed over through Court Amin in the presence of Village Administrative Officer and Surveyor concerned. After the possession being handed over, patta was granted in the name of the Petitioner's grandmother, maternal uncle and his mother. In fact, patta was granted on 4.4.2013 and it appears that as against the order, no further proceedings have been initiated.

5.In view of the fact that the Petitioner's representation, dated 18.4.2016 is pending on the file of the Second Respondent and the same is not yet disposed of till this date, at this stage, this Court without expressing any opinion on the merits and contents of the representation of the Petitioner so made in the subject-matter in issue, directs the Second Respondent/The Joint Sub-Registrar-II, Joint Sub-Registrar Office-II, Dindigul to look into the representation of the Petitioner, dated 18.4.2016 with all earnestness and seriousness within a period of ten days from the date of receipt of a copy of this order. Thereafter, it is for the Second Respondent to pass a reasoned speaking order on the representation of the Petitioner, dated 18.4.2016 on merits and that too, in a dispassionate manner and also by keeping a open, free and unbiased mind and also by adhering to the principles of natural justice by providing requisite opportunity to the Petitioner and others concerned, if any, within a period of three weeks. The Petitioner is directed to lend his assistance and co-operation to the Second Respondent by supplying the certified copies of all relevant records/documents to the Second Respondent and on production of the same, the Second Respondent shall look into the same and take into account of the same at the time of disposal of the representation of the Petitioner, dated 18.4.2016.

6.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1. The District Registrar,
Dindigul District.

2. The Joint Sub-Registrar-II,
Joint Sub-Registrar Office-II,
Dindigul.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 30992
+ 1 CC TO MR.D.VENKATESH, ADVOCATE IN SR No. 30938

VSN

TE/ARK-PV/ : 24/06/2016 : 3P/5C

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16.06.2016