



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 23.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.14445 of 2016

Sagaya Rani

... Petitioner

Vs.

1.The Director General of Registration,
Santhome High Road,
Chennai - 28.

2.The Deputy Director General of Registration,
Rajagambeeram,
Madurai North,
Madurai District.

3.The District Registrar,
Registration Department,
Thirupathur Road,
Sivagangai District.

4.The Sub Registrar,
Manamadurai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to enquire and cancel the sale deed in Document No.1163 of 1976 with regard to land in Rajagambeeram Village, S.No.116/10 in the light of the Circular No.67 of 2011, dated 03.11.2011, passed by the 1st Respondent, within the time stipulated by this Court.

For Petitioner : Mr.Gomathi Sankar
For Respondents : Mr.K.Mahesh Raja
Govt.Advocate

ORDER

Heard both sides.

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

<https://hccs.ecourts.gov.in/>

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



4. According to the Petitioner, in Rajagambeeram Village, bearing Survey No.116/10 is having 64 Cents, originally belongs to her grandfather viz., Savarimuthu Yekali and he was in possession and enjoyment of the said property, till his life time. During the life time of her grandfather, he executed a registered (*)Will, in favour of her sister in 1969, in and by which, her mother was appointed, as guardian for herself and her sister and he imposed a condition that her mother was given the life interest and thereafter, the property will revert back to herself and her sister.

5. Soon after the demise of her grandfather, the Petitioner obtained the property from her mother etc., and she is now in enjoyment the aforesaid property. Her mother is having only life interest and except that she has no interest in the property in question. By suppressing all the material fact, she had executed a Sale Deed, in favour of one Iruthaya Pitchai, during the year 1976. Petitioner and her sister were minors, when the Sale Deed was executed, in favour of the said Iruthaya Pitchai.

6. The grievance of the Petitioner is that she made a representation to the Respondent Nos.1 to 3, to cancel the Sale Deed, which was executed before the Fourth Respondent's Office and the First Respondent sent a letter to the Second Respondent, to enquire and take action against her representation. But, the Second Respondent has not taken any steps in this regard. Hence, she has filed the present Writ Petition, praying for passing of an order by this Court in directing the Second Respondent to enquire and cancel the Sale Deed, in Document No.1163 of 1976, in regard to the land in Rajagambeeram Village, bearing Survey No.116/10, in the light of the Circular No.67 of 2011, dated 03.11.2011, passed by the First Respondent.

7. At this stage, without going into the merits and contents of the representation of the Petitioner, dated 14.12.2015, addressed to the First Respondent / Inspector General of Registration, Chennai, this Court, in the interest of justice, fair play, directs, the Third Respondent / District Registrar, Registration Department, Sivagangai District, to look into the representation of the Petitioner, dated 14.12.2015, with a fair and open mind and also in dispassionate manner and to dispose of the said representation, by passing a speaking order, within a period of six weeks from the date of receipt of a copy of this order. In case, if the Third Respondent comes to a consequent conclusion that the Petitioner is only to seek redressal of her grievance before the competent civil Court, in the manner known to Law and in accordance with Law, he may accordingly advise the Petitioner to dispose of her representation, within the time determined by this Court, as stated.



8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS I)

(*) amended as per order dated: 6/10/2016

in WP. (MD) .No.14445/2016 by VBDJ

/True copy/

Sub Assistant Registrar

To

(Amended in the order already despatched on 12/9/16)

- 1.The Director General of Registration,
Santhome High Road,
Chennai - 28.
- 2.The Deputy Director General of Registration,
Rajagambeeram,
Madurai North,
Madurai District.
- 3.The District Registrar,
Registration Department,
Thirupathur Road,
Sivagangai District.
- 4.The Sub Registrar,
Manamadurai,
Sivagangai District.

+1cc to Mr.G.Gomathi Sankar, Advocate SR.NO.59561

+1cc to special Government Pleader SR.No.46746

mpk

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sm:EM-MPA:19/10/2016:2P/7C

W.P (MD) No.14445 of 2016
23.08.2016