



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.17294 of 2016

WEB COPY

1.B.Johnson

2.B.Vinson

Petitioners are rep by their
power agent P.Vijayakumar,

...Petitioners

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar (Admin.,)
Registration Department,
(*)Dindigul District.

3.The Sub Registrar,
Registration Department,
Nilakottai, Dindigul Taluk.

4.Gokulam Finance Company,
Rep by its Managing Partner,
Sengottaiyan, 4th Cross Road,
Thailambigai Nagar, Thiruchengode,
Namakkal District.

5.Satheesh

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 19.08.2016 seeking cancellation of the sale deed dated 12.12.1997 and 26.05.2003 registered as Document Nos.2632/1997 and 839/2003 respectively before the Sub Registrar Office, Nilakkottai, applying Circular No.67 issued by the 1st respondent within a time frame fixed by this Court.

For Petitioner

: M/s.J.Anandhavalli

For Respondents
Nos.1 to 3

: Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

This writ petition has been filed the issuance of a writ of mandamus, to direct the second respondent to consider the representation of the petitioner dated 19.08.2016 seeking cancellation of the sale deeds dated 12.12.1997 and 26.05.2003 registered as Document Nos.2632/1997 and 839/2003 respectively before the Sub Registrar Office, Nilakkottai applying Circular No.67 issued by the first respondent.

2.Heard Ms.J.Anandhavalli, learned counsel appearing for the petitioner and Mr.V.Muruganandham, learned Additional Government Pleader who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3.According to the petitioner, one Barnabas is the original owner of the property in question and he has executed a registered power of attorney in favour of one Palanichamy and thereafter, he died on 02.03.1996. After the death of Barnabas, the power of attorney namely Palanichamy executed a registered sale deed in favour of the 4th respondent herein on 12.12.1997. Thereafter, the fourth respondent executed sale deed dated in favour of the fifth respondent. The petitioners being legal heirs of Barnabas filed an application before the second respondent to conduct enquiry and cancel the above sale deeds pursuant to the Circular 67, dated 03.11.2011 issued by the Inspector General of Registration. Since the said representation was not considered so far,, the present writ petition has been filed seeking for the relief stated supra.

4.Today when the matter came up for hearing, learned Additional Government Pleader submitted that orders were passed by the second respondent on 15.03.2016, stating that as the above Circular 67, dated 03.11.2011 has been stayed by this Court, he could not proceed with the enquiry and therefore, enquiry has been stopped.

5.Learned counsel appearing for the petitioner would submit that already this Court upheld the validity of the circular and writ appeal has been filed against the order of the learned single Judge which is pending and in the writ appeal, no interim order has been granted.

6.In such circumstances, the second respondent is directed to proceed with the enquiry and pass appropriate orders, on merits and in accordance with law, after giving notice to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-

20.09.2016

(*) Amended as per order dated.07.10.2016

and made in WMP(MD)No.14198/2016

in WP(MD)No.17294/2016

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

(*) To be substituted for the order already despatched.

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai 600 028.

2. The District Registrar (Admin.,)
Registration Department,
(*) Dindigul District.

3. The Sub Registrar,
Registration Department,
Nilakottai, Dindigul Taluk.

Copy to : The District Registrar (Admn),
Registration Department,
Virudhunagar District.
(kind information)

+1cc to M/s.J.Anandhavalli, Advocate in SR.60422

+1cc to the Special Government Pleader, in SR.54464

Writ Petition (MD) No.17294 of 2016
20.09.2016

sms

PBK/AAL-MPA/SAR-I 26/09/2016 ::3P-7C:(IT)

PBK/CK 13/10/2016 ::3P-7C:(IT)