



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2016

C O R A M

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.17517 of 2016

T.Sankara Subbu

.. Petitioner

Vs.

1. The District Registrar,
Office of District Registration Department,
Tirunelveli District - 2.

2. The Sub-Registrar,
Gangaikondan Sub-Registrar Office,
Tirunelveli District.

3. V.A.Thangam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 1st respondent to consider petitioner's representation dated 22.07.2016 regarding the cancellation of the fraudulent sale Deed vide Document No.1432/1994, dated 16.12.94 and Document No.43/2003, dated 13.01.2003 registered by the 3rd Respondent in the petitioner land survey No.180/1 to an extent of 6.34 Acres; Survey No. 180/3 to an extent of 6.50 Acres and Survey No. 198/15 to an extent of 00.05 Cents at Thengalam Village, Manoor taluk, Tirunelveli District.

For petitioner

... Mr.D.Selvanayagam

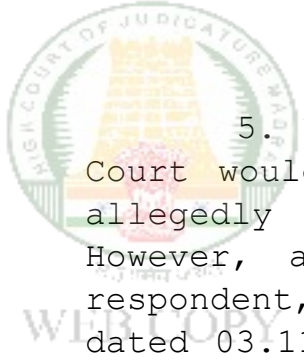
For R1 and R2

... Mr.N.S.Karthikeyan

Additional Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the first respondent to consider the petitioner's representation, dated 22.07.2016 alleging fraudulent execution of the sale deeds in respect of Document No.1432/1994, dated 16.12.94 and Document No.43/2003, dated 13.01.2003.



5. Under normal circumstances, as a person interested, this Court would have awarded notice to the third respondent, who has allegedly purchased the property belonging to the petitioner. However, an opportunity of hearing can be given by the first respondent, while conducting the enquiry, based on Circular No.67, dated 03.11.2011. Therefore notice to R3 is dispensed with, having regard to limited scope, of prayer sought for.

6. Therefore, the first respondent is expected to give notice, not only to the petitioner but also to the third respondent, before completing the enquiry. In that way, the interest of the third respondent stands protected. Subject to the condition that the first respondent shall provide opportunity of hearing, both to the petitioner as well as to the third respondent, the enquiry shall be completed within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
Office of District Registration Department,
Tirunelveli District - 2.

2. The Sub-Registrar,
Gangaikondan Sub-Registrar Office,
Tirunelveli District.

+1cc to Mr.D.Selvanayagam ,Advocate, SR.No.52910

+1cc to Special Government Pleader, SR.No.52867

W.P. (MD) No.17517 of 2016
16.09.2016

rj2/Srk

MK-SU-MMS/30.1.2017/3p-5c