



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.23531 of 2016
and W.M.P(MD)No.16894 of 2016

M/s.Shar Theme Park (Private) Limited,
Rep. By its Managing Director,
N.V.S.Anandan.

... Petitioner

Vs.

The Joint Registrar - III,
Tiruchirappalli.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to consider and pass orders on the petitioner's representation, dated 18.05.2016 in Petition No.10 of 2016 on the file of the respondent herein, after due notices to the petitioner and as well as the interested persons in the event of arising of any further encumbrances over the properties in question.

For Petitioner

: Mr.G.Jeremiah

For Respondent

: Mr.N.S.Karthikeyan

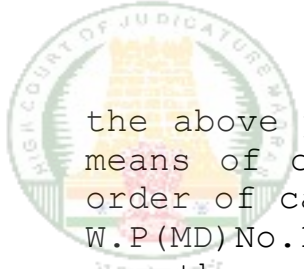
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent.

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

3.According to the petitioner, the properties in Survey Nos.1/2A, 1/3A, 1/5, 2/2, 258/1, 258/10, 1/6, 1/1, 1/9, 1/10, 258/2, 1/7 and 1/8 to an extent of 16.64 acres situated at Kambarasampettai Village, Srirangam Taluk, Tiruchirappalli, belongs to the petitioner and they wanted to develop the properties and given a power of attorney in favour of one K.Rajendran for developing the land, after converting the same as agricultural land. The petitioner also executed a gift deed on 14.06.2012 to an extent of 2,07,000 square feet to the local panchayat, subsequently, without the knowledge of the petitioner,



the above power of attorney cancelled the above said gift deed by means of cancellation deed, dated 08.11.2012 and challenging the order of cancellation, the petitioner has filed a Writ Petition in W.P(MD)No.11490 of 2016 and the same is still pending. Thereafter, now the power of attorney is trying to alienate the said lands. Hence, the petitioner filed a protest petition before the respondent on 18.05.2016, seeking the respondent not to allow any creation of encumbrances by way of sale, mortgage of the properties and the protest petition is pending before the respondent. Since no order has been passed, the petitioner has filed the present petition.

4.Since the petitioner being the owner of the properties filed a protest petition, whenever any document is presented before the respondent for registration of above mentioned lands, the respondent is directed to consider the protest petition of the petitioner, and giving notice to the petitioner as well as to the rival claimants, if any, and pass orders on the same on merits and in accordance with law.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Joint Registrar - III, Registration Department,
Tiruchirappalli.

+One cc to Mr.Jermiah, Advocate, SR.No.78499
+One cc to The Special Government Pleader, SR.No.79714
ps
RL/4C/2P/SKS/RR/21.12.2016

W.P (MD) No.23531 of 2016