

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.5535 of 2017

V.Kohila

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
100 Santhome High Road,
Chennai - 600 028.

2.District Registrar,
O/o.District Registrar,
Ariyalur District.

3.The Sub-Registrar,
O/o.Sub-Registrar,
Joint II Register Office,
Ariyalur District.

4.Santhi

5.Periyasamy

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider petitioner's representation dated 05.11.2015, 17.02.2017 and dispose the same by conducting due enquiry.

For Petitioner : M/s.S.Xavier Felix

For Respondents 1 to 3 : Mr.S.Pattabiraman
Government Advocate

O R D E R

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider

petitioner's representation dated 05.11.2015 and 17.02.2017 and dispose of the same, by conducting due enquiry.

3. The petitioner is the owner of the land in Survey Nos.437/9, 437/10 and 437/11 measuring to an extent of 1 acre vide Document Nos.1598/2013 dated 07.10.2013 and 1987/2014 dated 10.12.2014 on the file of Joint II Sub Registrar Office, Ariyalur, Thondappadi Village. In the meanwhile, the fourth respondent filed Civil Suit in O.S.No.272 of 2014 before the Hon'ble District Munsif Court, Perambalur, for the purpose of having a common passage connecting their land and interim injunction was granted to her, which was vacated by an order dated 17.06.2014. It is pertinent to note that the Hon'ble Division Bench of this Court granted stay for conversion of agricultural land into residential plot unauthorisedly, without the approval of Directorate of Town and Country Planning Authority in W.P.No.19566 of 2015. The Village Panchayat of Allinagaram, granted approval for layout of the plots including the petitioner's property, which the petitioner never gave any such power to the fourth respondent. While being so, the fact violating the order of the Hon'ble Division Bench, Plots were registered within the unapproved layout of Abirami Nagar was sold to the fifth respondent vide Document No.1771/2014 dated 29.10.2014. According to the petitioner, he made several representations to the respondents 1 to 3 to cancel the registration of documents of lands/plots in unapproved layout of Abirami Nagar, but till date no orders have been passed and hence, the Writ Petition has been filed.

4. Mr.S.Xavier Felix, the learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

5. Mr.S.Pattabiraman, learned Government Advocate appearing for the respondents 1 to 3 has got no serious objection for directing the respondents 1 to 3 to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents 1 to 3, to consider the representations of the petitioner, dated 05.11.2015 and 17.02.2017, and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to him as well as to the necessary parties. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
Registration Department,
100 Santhome High Road,
Chennai - 600 028.

2.District Registrar,
O/o.District Registrar,
Ariyalur District.

3.The Sub-Registrar,
O/o.Sub-Registrar,
Joint II Register Office,
Ariyalur District.

+1cc to Mr.S.Xavier Felix, Advocate Sr.14395
+1cc to the Government Pleader Sr.14472 & 14739



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