

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5939 of 2017

J.Sreeram Bullappan

... Petitioner

Vs.

1. The District Registrar (North)
Moorthiga Lane,
Chennai - 600 001.

2. Inspector General of Registration,
Registration Department,
Santhome,
RA Puram,
Chennai - 600 028.

3. Sub Registrar,
Sub Registrar Office,
Redhills.

4. Sri.Sundaramoorthy

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondents to dispose the petitioner representation dated 31.12.2016 addressed to the 1st respondent and to cancel of fabricated document registered at Sub Registrar Office, Redhill vide document No.3536 dated 23.11.2002.

For Petitioner : M/s. T.P.Savitha

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. According to the petitioner, his great grandfather viz., Late P.Doraisamy Aiyengar had possessed 1.05 acres of land in Perungavur Village, Thiruvallore District and by means of oral

partition, the said property was divided among themselves viz., his sons and daughters. The petitioner would further state that his grandfather late P.D.Veeraraghavam Aiyengar died on 02.11.1977 and thereafter, the property was managed by his grandmother, till her demise on 03.05.2004 and while she was alive, she executed an unregistered Will in the name of P.V.Jeyanthi, who is the mother of the petitioner, on 09.08.1988 bequeathing eight cents of vacant site in old T.S.No.503/1 and new TS.No.676/6 and his mother in turn, has executed a registered settlement deed dated 22.04.2009 (Document No.3484 of 2009) in favour of the petitioner. According to the petitioner, one P.M.Velayutham, residing at door No.1/86, Perungavur Villlage, Ponneri Taluk, Thiruvallur District, claims to have purchase a land in Survey No.503/1, Perungavur Village by way of oral settlement deed from one Rajagopal Aiyer in the year 1969 and executed a registered settlement deed dated 25.11.2002 bearing document No.3536 of 2002 in favour of his son Sundaramurthi in the above said survey number and he has no such right at all and in this regard he has submitted a representation dated 31.12.2016 to the first respondent and though it was received and acknowledged, so far, no orders have been passed and therefore, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that it would be suffice to direct the first respondent to consider and dispose of the petitioner's representation dated 31.12.2016 on merits and in accordance with law within a stipulated time frame.

4. Per contra, Mr.A.N.Thambidurai, the learned Special Government Pleader, who accepts notice on behalf respondents 1 and 2, would submit that even as per the representation, the petitioner prays for cancellation of the oral sale deed and in respect of the oral sale deed, nothing shall remain on record and therefore, the representation cannot be considered and given disposal in accordance with law.

5. In response to the said submission, the learned counsel for the petitioner would submit that the petitioner may be permitted to submit a representation as to the registered settlement deed dated 25.11.2002 (Document No.3536 of 2002) executed by P.M.Velayudham in favour of his son Sundaramurthi and the said representation may be directed to be given a disposal on merits and in accordance with law within a stipulated period.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Though the petitioner prays for a larger relief, this Court in the light of the said submission made by the learned counsel appearing for the petitioner, permits the petitioner to submit a representation to the first respondent as to the truth and vires of the registered gift settlement deed dated 25.11.2002 executed by P.M.Velayudham in favour of his son Sundaramoorthi within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the first respondent shall put either the party to the said documents or the assignees or successor in interest on notice, and thereafter, give a disposal to the petitioner's representation in accordance with law within a further period of 12 weeks thereafter and communicate the decision taken, to the petitioner as well as to the persons concerned.

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

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Registrar (North)
Moorthiga Lane,
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Sub Registrar Office,
Redhills.

+1 CC to Govt. Pleader sr 15484

+1 CC to M/s. T.P. Savitha, Advocate sr 15348

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NRJK (CO)
sp/27/3