



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12578 of 2017

U.Lizammal Urmese

... Petitioner

Vs.

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

2.The District Registrar (Administration),
Dindigul District,
Dindigul.

3.The Sub Registrar,
Kodaikanal,
Dindigul District.

4.S.Sankar

5.C.Shanthi

6.Chandrasekar

... Respondents

PRAYER:Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose the petition dated 17.06.2017 submitted by the petitioner to annul the registration of settlement deed dated 06.01.2012 bearing No.27/2012 on the file of the 3rd respondent within a time frame fixed by this Court.

For Petitioner

:Mr.R.Subramanian

For Respondent 1 to 3 :Mr.C.Selvaraj

Special Government Pleader

O R D E R

The prayer in the writ petition is seeking for the issuance of a Writ of Mandamus directing the second respondent to dispose of the petition, dated 17.06.2017, submitted by the petitioner to annul the registration of settlement deed, dated 06.01.2012, bearing No.27/2012 on the file of the 3rd respondent.



2. According to the petitioner, the property bearing Door Nos. 77, 78A, 79, 80 and 79A measuring 95 cents in Survey No. 87 situated at Kodaikanal Town, originally belong to her vendors, namely, S. Sankar, S/o K. S. Swaminathan and Chandrasekaran, S/o. Sankaralinga Iyer. The petitioner entered into a sale agreement with original owners on 06.01.1977 agreeing to purchase the property for Rs. 1,02,000/- and also paid Rs. 60,000/- towards advance by way of Demand Draft. Subsequently, the possession was also handed over to the petitioner.

3. The petitioner would further state that since her vendors failed to perform their part of contract and dodged the execution of sale deed, she filed a suit for specific performance in O.S.No. 19 of 1986 before the Sub Court, Periyakulam, which was transferred to Sub Court, Dindigul and renumbered as O.S.No. 373 of 1992. It is further stated that one of her vendors also filed a suit in O.S.No. 438 of 1992 for partition. Both the suits were tried together and the trial Court, by a common Judgment dated 27.08.1996, decreed the petitioner's suit in O.S.No. 373 of 1992 in part and allowed the suit filed by the petitioner's vendors in O.S.No. 438 of 1992.

4. Aggrieved by the said judgment and decree, the petitioner preferred appeals before the High Court in A.S.No. 293 of 1997 and A.S.No. 1137 of 2001. The petitioner would further state that the appeals preferred by her were allowed. Against which, the opposite parties have preferred Special Leave Petition in SLP (Civil) Nos. 21400 and 21401 of 2010, which are pending. Whiles, the private respondents have created documents by committing impersonation. Hence, the petitioner lodged a complaint with the Kodaikanal Police Station and the same was registered in Crime No. 400/2012. Thereafter, the petitioner filed a petition for cancellation of document under Circular No. 67 dated 03.11.2011. Since no action has been taken, the present writ petition has been filed.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to dispose of the petition dated 17.06.2017 on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar.

To:

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

2.The District Registrar (Administration),
Dindigul District,
Dindigul.

3.The Sub Registrar,
Kodaikanal,
Dindigul District.

+1CC to Mr.R.Subramanian, Advocate, SR.No. 64156

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