



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.16072 of 2017

WEB COPY

M.Mohamed Mansoor Hallaj

rep. by his own brother and power of attorney

M.Mohamed Iqbal

.. Petitioner

Vs.

The Inspector General of Registration,

Registration Department,

Office of the Registration Department,

No.100, Santhom High-way,

Pattinapakkam, Chennai.

.. 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 to conduct detail enquiry and to take necessary action in accordance with law on the basis of the petitioner's brother's representation dated 23.06.2017 within the time stipulated by this Court.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondent : Mr.C.Selvaraj,
Special Government Pleader.

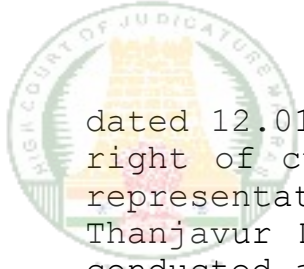
ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondent to conduct detailed enquiry and to take necessary action in accordance with law on the basis of the petitioner's brother's representation dated 23.06.2017, within the time stipulated by this Court.

2.Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the respondent. By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

3.Heard both sides.

4.The case of the petitioner is that the petitioner purchased a land in Survey Nos.350/1B [Joint Patta No.969], 360/2 [Joint Patta No.968] and 455 [Joint Patta No.970] at Valuthur Village, Papanasam Taluk, Thanjavur District and all the revenue records transferred into joint patta No.533 in his name and others and he is in possession and enjoyment of the same. According to the petitioner, so as to grab the properties mentioned in joint patta No.533, one Mohamed Masthan and his brother Abdul Hakkim, without having any rights, except cutting of betel leaves, fraudulently created many documents and sold some survey numbers to some other persons as per Document Nos.942 and 966 of 1976, with the help of the office bearers of Ayyampettai and Papanasam Sub Registrar Offices. On representation to the Sub-Registrar, Ayyampettai, he passed an order



dated 12.01.2016, stating that the said documents are related to the right of cutting of betel leaves. The petitioner also preferred a representation to the District Collector and Sub Collector of Thanjavur District and on the basis of the same, the Sub Collector conducted a detailed enquiry and removed the names of the above said persons from joint patta Nos.968 and 969 and also include the petitioner's name in the joint patta. The grievance of the petitioner is that on the basis of document Nos.942/1976, 966/1976 and patta No.533, the said persons illegally registered some documents before the said Sub Registrar Offices. Therefore, he made a representation dated 23.06.2017 to the respondent, seeking to cancel all the documents, which were illegally registered on the basis of parental document No.942/1976 and the same has not been considered so far. Therefore, the petitioner is before this Court.

5.Though the prayer in the writ petition is at large, the learned counsel appearing for the petitioner confines his prayer only to direct that the representation dated 23.06.2017 be considered by the respondent, for which, the learned Special Government Pleader appearing for the respondent, has no serious objection.

6.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner dated 23.06.2017, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

7.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

To
The Inspector General of Registration,
Registration Department,
Office of the Registration Department,
No.100, Santhom High-way,
Pattinapakkam, Chennai.

+1cc to Mr.I.SABEER MOHAMED Advocate in SR. No.74755

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.75058

SMN

JS/SV.MMS/SAR.4/5.9.2017/2P-4C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN

W.P (MD) No.16072 of 2017

28.08.2017