



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.16390 of 2017

and

WMP (MD) No.13056 of 2017

Manoharan

.. Petitioner

-Vs-

1. The Inspector General of Registration,
Santhome,
Chennai.
2. The Deputy Inspector General of Registration,
Madurai.
3. The District Registrar,
The District Registrar Office,
Maudrai North,
Madurai.
4. The Sub Registrar,
Sub Registrar Office,
Othakadai.
5. Prabhuram

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider and dispose of the application, dated 29.06.2017 within a time frame fixed by this Court.

For Petitioners

: Mr.K.P.S.Palanivel Rajan

For R1 to R4

: Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

The writ petition has been filed to direct the respondents 1 and 2 to consider and dispose of the application of the petitioner, dated 29.06.2017 within a time frame.



2. According to the petitioner, the 5th respondent approached him on various occasions seeking financial assistance and in the month of August 2016, the petitioner paid Rs.5,50,000/- and thereafter, the 5th respondent persuaded the petitioner to join as a partner in his Real Estate business.

3. The petitioner would further state that the 5th respondent had entered into an agreement with one Dr.P.Soundarapandian to purchase the lands in Survey No.1/5A, 1/5A2, 1/51, 1/5A3, 1/6, 1/6A in Manalur Village, Thirupoovanam Taluk, to an extent of 3 Acres and 80 cents. Believing his words, the petitioner mortgaged his residential house for Rs.70,00,000/- and totally sent a sum of Rs.50,50,000/- on various dates to the account of the 5th respondent. From and out of the amount, the 5th respondent purchased properties in his name to an extent of 1 Acre 70 cents and the remaining 2 Acres and 10 cents were registered in the name of the petitioner.

4. The petitioner would further state that since the 5th respondent cheated him, he lodged a complaint with the District Crime Branch, Madurai. Since, the 5th respondent is evading the calls of the petitioner and attempted to create encumbrance in the lands purchased in the name of the petitioner, he gave a representation, dated 29.06.2017 to the 4th respondent. Since, there is no action, the present writ petition is filed.

5. Mr.K.P.S.Palanivel Rajan, learned counsel for the petitioner would submit that the original documents relating to the property in Survey No.1/5A2 at Manalur Village, Thirupoovanam Taluk is now with the 5th respondent and taking advantage of that, he is attempting to create encumbrance and therefore, the interest of the petitioner is to be protected by this court.

6. Mr.A.Muthukaruppan, learned Additional Government Pleader would submit that if the petitioner gives a fresh representation/petition to the 4th respondent in respect of the petitioner's property, the 4th respondent will consider the same in accordance with law.

7. In the light of the above submissions, without going into the merits of the case, this writ petition is disposed of with a direction to the petitioner to give a fresh representation to the 4th respondent to protect his lands registered in his name in respect of Survey No.1/5A2 within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the 4th respondent shall consider the same and pass orders purely on merits and in accordance with law, after affording opportunity of hearing to the parties concerned, within a period of eight weeks



therefrom. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

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/True copy/

Sub Assistant Registrar

To,

1. The Inspector General of Registration,
Santhome,
Chennai.
2. The Deputy Inspector General of Registration,
Madurai.
3. The District Registrar,
The District Registrar Office,
Maudrai North, Madurai.
4. The Sub Registrar,
Sub Registrar Office,
Othakadai.

+1 cc to Mr.K.P.S.Palanivel Rajan , Advocate in SR.No. 76727
+1 cc to The Special Government Pleader in SR.No.76922

er
AE/SKN RSK/SAR3/18.09.2017/3P/7C

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05.09.2017