

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED 06.09.2017
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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**W.P (MD) No.16867 of 2017**

A.Karnan

... Petitioner

Vs

1. The District Registrar(Admn.),
District Registration Office,
Agraharam Street, Thenkarai,
Periakulam, Theni District.

2. The Sub-Registrar,
Usilampatti, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to dispose of the Petitioner's representation dated 5.12.2016 in the light of the Circular No.67, dated 03.11.2011(C.No.52338/C1/2011) by holding an enquiry under Section 82 of the Registration Act within the time frame fixed by this Court.

For Petitioner : M/s.P.Sivachandran

For Respondents : Mr.A.Muthukaruppan
Addl.Govt.Pleader

ORDER

The Petitioner seeks for issuance of a Writ of Mandamus directing the first respondent to dispose of the Petitioner's representation dated 05.12.2016.

2.Mr.G.Muthukannan, learned Government Advocate takes notice for the respondents.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.The Petitioner would state that the land measuring an extent of 1 acre and 46 cents, situated at Usilampatti Taluk, Madurai District in S.No.85/1 originally belonging to Tahvasi Thevar, Velusamy Thevar and others. The said Thavasi Thevar executed a registered will dated 13.09.1943 in favour of his only daughter Karyppayee Ammal. Thereafter, she with her other uncles, executed



a Release Deed in favour of one Velusamy Thevar on 25.12.1956. Thereafter, the property was purchased by one Selvaraj, son of Duraisamy Thevar in the year 2004 and the Petitioner purchased an extent of 2728 sq.fts in the above survey number through a registered sale deed dated 12.4.2006.

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5. The Petitioner would urge that one Panchammal, daughter of Karyppayee Ammal, who has no right over the said property has executed a power of attorney dated 4.5.2011 in favour of one Paraman. Since her mother had already executed a Release Deed and since she was not having any right over the property, the Petitioner submitted a representation, dated 5.12.2016 to take action as per Circular No.67, dated 3.11.2011. Since there is no favourable response from the respondents, the present Writ Petition is filed.

6. Considering the submission made by the learned counsel for the Petitioner, without going into the merits of the case, this Court directs the first respondent to take action on the representation of the Petitioner, dated 5.12.2016 in the light of the Circular No.67, dated 3.11.2011 (C.No.52338/C1/2011) and pass orders on the same, after giving notice to the Petitioner and other interested parties, if any, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar (Admn.),
District Registration Office,
Agraharam Street, Thenkarai, Periakulam,
Theni District.

2. The Sub-Registrar,
Usilampatti, Madurai District.

+1cc to M/S. P.SIVACHANDRAN, Advocate, SR.No.76876.

+1cc to Special Government Pleader, SR.No.77668.

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