



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.18451 of 2017

Pastor D.V.Issac Timothy

... Petitioner

Vs.

1. The District Registrar
Register Office,
Cantonment,
Trichy - 620001.

2. The Sub Registrar
Office of the Sub Registrar Office,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take appropriate action on the petitioner's representation dated 19.05.2017 as per Circular No. 67 dated 03.11.2011 of the first respondent in a time bound manner.

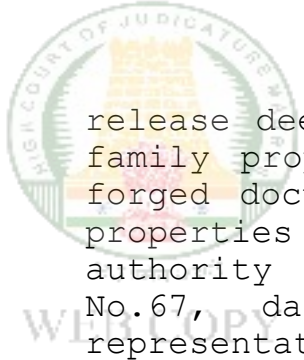
For Petitioner : Mr.D.Senthil
For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

This writ petition has been filed for a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 19.05.2017 as per Circular No.67 dated 03.11.2011 of the first respondent in a time bound manner.

2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition itself is taken up for final disposal.

3. It is the case of the petitioner that the properties in question are ancestral properties of his grandmother. She executed a settlement deed in favour of his father, the petitioner and his younger brother. In 1985, his father constructed a Church in the said property and after his demise, he became the Pastor of the Church. A Trust Deed was also duly executed to that effect. The eldest son of his grandmother, namely, D.Joseph has executed a



release deed in favour of his mother and obtained his share in the family properties. However, the legal heirs of D. Joseph created forged documents to defeat the rights of the petitioner over the properties in question. The first respondent is the competent authority to annul the registered document as per the circular No.67, dated 03.11.2011. Hence, the petitioner submitted a representation dated 19.05.2017 to the respondents, seeking for cancellation of the documents. Finding no action, the petitioner has come before this Court with the above said prayer.

4. At this juncture, learned Special Government Pleader appearing for the respondents would submit that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered and suitable orders passed.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 19.05.2017 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar
Register Office,
Cantonment,
Trichy - 620001.
2. The Sub Registrar
Office of the Sub Registrar Office,
Tiruchirappalli District.

+ 1 CC TO Mr.D.SENTHIL KUMAR, ADVOCATE IN SR No. 81681
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81773

RM/AR

TE/SKN/SAR-IV : 26/10/2017 : 2P/5C

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

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05.10.2017