



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.23235 of 2017

S.Vellathai

... Petitioner

-vs-

1. The District Registrar,
Office of the Registrar Office,
Tirunelveli District,
Tirunelveli.

2. The Sub Registrar,
Office of the Sub Registrar,
Kayathar, Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 27.11.2017 and to cancel the deed registered in the 2nd respondent office in Doc.No.4202 of 2014.

For Petitioner : Mr.PR.Boomee Rajan

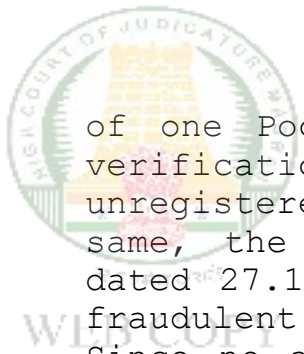
For Respondents : Mr.M.Alagathevan
Spl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents to consider the petitioner's representation dated 27.11.2017 and to cancel the deed registered in the 2nd respondent office in Doc.No.4202 of 2014.

2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that his father had executed a joint Will dated 12.11.2009 in favour of the petitioner and other two legal heirs, namely her sisters in respect of his self-inherited properties in question. While so, when the petitioner applied for encumbrance certificate in order to obtain a joint patta in their name, it came to light that by way of forged documents, a fraudulent deed has been executed in the name



of one Poonuthai before the 2nd respondent, who, without proper verification of records, registered the same on the basis of an unregistered forged Will created by one Velusamy. Aggrieved by the same, the petitioner has immediately submitted a representation dated 27.11.2017 to the respondents for cancellation of the said fraudulent transfer deed, registered by the second respondent. Since no action has been taken on the same so far by the second respondent, the petitioner is before this Court with the above prayer.

4. The 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 appropriate orders be passed.

5. Once a representation is received by the authorities concerned, it is their bounden duty to decide the same immediately without keeping it pending endlessly. They are at the most expected to proceed in the manner known to law and inform the outcome to the concerned parties as to the exact nature of their impediment in consideration of the representation. In the present case on hand, the respondents, without doing so, have been sitting over the representation submitted by the petitioner without taking any decision thereon and the said act is highly depreciated.

6. Under such circumstances, considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to pass appropriate orders on the representation of the petitioner 27.11.2017 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any, in the light of the subsequent Circular dated 08.11.2017, issued by the Inspector General of Registration, Chennai.

7. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Registrar,
Registrar Office,
Tirunelveli District,
Tirunelveli.



2. The Sub Registrar,
Office of the Sub Registrar,
Kayathar, Tuticorin District.

+1cc to Special Government Pleader, SR.No. 93737

+1cc to M/S.PR.Boomee Rajan, Advocate SR.No. 93516

W.P (MD) No.23235 of 2017

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JM/SV MMS/SAR 4/20.12.2017/3P/5C