



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.23552 of 2017

and

W.M.P(MD)No.19798 of 2017

Nadankutty Nadar

... Petitioner

Vs.

1.The District Registrar,
Marthandam Registration District,
Marthandam Post, Kanyakumari District.

2.The Joint Sub-Registrar,
O/o. the No.1 Joint Sub-Registrar,
Marthandam, Kanyakumari District.

3.Rathinam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to consider petitioner's representation dated 29/06/2017 under section 83 of Registration Act, 1908 and to pass appropriate orders within the stipulated time.

For Petitioner	: Mr.M.Saravanakumar
For Respondents	: Mr.M.Alagathevan, Special Government Pleader for R.1 & R.2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents 1 & 2. Notice to the third respondent is dispensed with and opportunity of hearing will be provided, by the authorities concerned, at the time of hearing by the authorities concerned.

3. According to the petitioner, the subject mentioned property belongs to him and challenging the same, several suits came to be filed, which is, now, at the stage of second appeal, in S.A.(MD) No.624 of 2001, wherein, this Court has passed an order of interim stay and the same was subsequently made absolute on 17.10.2012. It



is the grievance of the petitioner that suppressing the said stay order, the third respondent has executed a deed, in respect of the disputed property. Aggrieved over the same, the petitioner has submitted a detailed representation, but he was informed by the authorities that as Circular No.67 of 2011 was stayed by this Hon'ble Court, they are not in a position to take further action. Hence, he is before this Court, for appropriate directions.

4. When the matter is taken up for hearing, the learned Counsel for the petitioner submitted that the Revenue Department has withdrawn the Circular No.67 of 2011 and has circulated a modified circular dated 08.11.2017 and he further submitted that it would suffice, if his representation dated 29.06.2017 is considered, by the authorities, in the light of the modified circular dated 08.11.2017, within a stipulated time limit.

5. Considering the facts and circumstances of the case and also the limited scope of the relief sought for, this Court, without expressing any opinion on the merits of the matter, directs the respondents, more particularly, the first respondent, to consider the representation of the petitioner dated 29.06.2017 and pass appropriate orders, on merits and in line with the modified circular dated 08.11.2017, after affording due opportunity of hearing to the petitioner and the third respondent as well as all the 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Registrar,
Marthandam Registration District,
Marthandam Post, Kanyakumari District.

2.The Joint Sub-Registrar,
O/o. the No.1 Joint Sub-Registrar,
Marthandam, Kanyakumari District.

+1cc to Mr.M.SARAVANAKUMAR, Advocate, SR. 93873

W.P (MD) No.23552 of 2017
20.12.2017

GK

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