

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.388 of 2018

P.Shajahan

.. Petitioner

-vs-

1.The District Collector,
Thiruvannamalai.

2.The District Revenue Officer,
Thiruvannamalai District.

3.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

4.The Sub-Registrar,
O/o Sub Registrar,
Chengam,
Thiruvannamalai District.

5.The Village Administrative Officer,
Pakkiripalayam Village,
Chengam Taluk & town,
Thiruvannamalai District.

6.A.Rashith

7.R.Shanavaas

8.M.Govindaraj

9.M.Mohammed Ghouse

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to pass appropriate order on the basis of petitioner's representation dated 17.10.2017 within time stipulation.

For Petitioner

:: Mr.T.Arockia Dass

For Respondents

:: Mr.D.Surya Narayanan,
Additional Government Pleader
for R1 to R5

Mr.V.M.Venkataramana,
for R6 to R9

ORDER

The petitioner has come to this Court seeking a direction to the first respondent to pass appropriate orders on the basis of his representation dated 17.10.2017 within a stipulated time.

2.The case of the petitioner is that after demise of his father, the petitioner and his brother became absolute owners of the property covered in S.Nos.304/19 and 304/1B1C to an extent of 2152 sq.ft. and 1614 sq.ft. and they have been in possession and enjoyment of the same, after construction of residential portion in their respective shares. Being the owners of the property, they have been issued patta by the Special Tahsildar, Chengam dated 26.12.1990 and they are paying taxes regularly. While this is so, on 14.07.2016, the sixth respondent has executed a sale deed in favour of the eighth respondent in Doc. No.3763 of 2016 on the file of Sub Registrar, Chengam with regard to the above plot in S.No.304/19. After coming to know the same, the petitioner approached respondents 1 to 3 with a representation dated 13.01.2017 to look into the issue and take appropriate action. Finding no response, he is before this Court seeking the above prayer.

3.A perusal of the counter affidavit filed by the sixth respondent would show that respondents 7 to 9 voluntarily approached the petitioner and expressed their willingness to cancel the registered sale deeds and mortgage deed without any hesitation and accordingly, they have cancelled the mortgage deed.

4.In view of the no objection raised by the sixth respondent, the petitioner is directed to produce a copy of this order, counter affidavit and relevant other documents before the third respondent. On receipt of the same, the third respondent is hereby directed to consider the representation made by the petitioner within a period of two weeks thereafter. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Thiruvannamalai.

2.The District Revenue Officer,
Thiruvannamalai District.

3.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

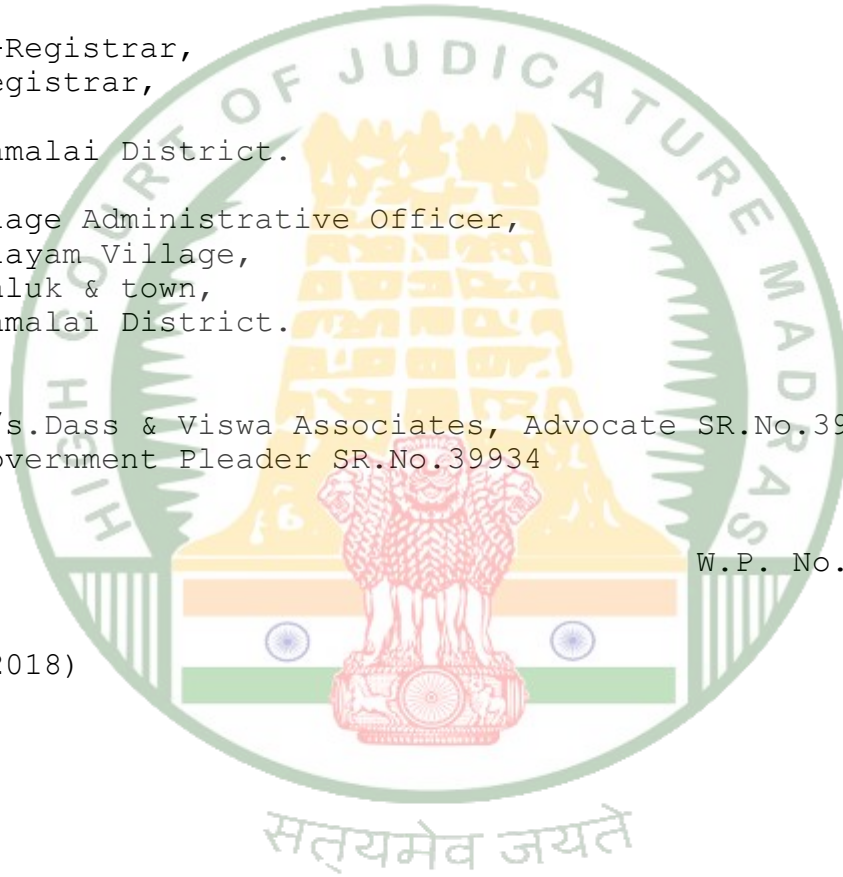
4.The Sub-Registrar,
O/o Sub Registrar,
Chengam,
Thiruvannamalai District.

5.The Village Administrative Officer,
Pakkiripalayam Village,
Chengam Taluk & town,
Thiruvannamalai District.

+1cc to M/s.Dass & Viswa Associates, Advocate SR.No.39782
+1cc to Government Pleader SR.No.39934

W.P. No.388 of 2018

PVS (CO)
GN(03/07/2018)



WEB COPY