

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.11275 of 2018 and

W.M.P.No.13172 of 2018

1.R.Ramadoss

2.G.Jayashanker

... Petitioners

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.

2.The District Registrar,
North Madras,
No.1, Morthykal Lane,
Chennai - 600 001.

3.The Sub Registrar,
Office of the Sub Registrar Office,
No.3, S.P.Koil Street,
Arani - 601 101, Thiruvallur District.

4.S.Umashankar

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to dispose of the representation dated 07.03.2018 with reference to the proceedings of the 1st respondent vide letter No.48697/R3/2016 dated 31.05.2017 within the stipulated period.

For Petitioners

: Mr.G.Thangavel

For Respondents

: Mr.P.P.Purushothaman

Government Advocate (R1 to R3)

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to dispose of the representation dated 07.03.2018 with reference to the proceedings of the 1st respondent vide letter dated 31.05.2017 within the stipulated period.

2.The learned counsel appearing for the petitioners submitted that based on the registered Sale Agreement dated 07.12.2009 with respect to the property measuring 13 acres and 34 cents, the petitioners are in possession of the same. One P.Umashankar/the 4th respondent herein, who is the owner of the property, after agreeing to sell the agricultural lands in the

Survey No.173/3 measuring 1 acre 14 cents; Survey No.181 measuring 1 acre 67 cents; Survey No.182/2 measuring 38 cents; Survey No.183 measuring 70 cents; Survey No.184 measuring 5 acre 23 cents; Survey No.185 measuring 1 acre 37 cents; Survey No.189 measuring 23 cents; Survey No.197 measuring 4 cents; Survey No.198/1 measuring 90 cents; Survey No.199 measuring 1 acre 30 cents and Survey No.200 measuring 38 cents, in total 13 acres 34 cents, has filed a Civil Suit in O.S.No.168 of 2016 on the file of the District Munsif, Ponneri seeking for declaration of the Sale Agreement dated 07.12.2009 registered as Doc.No.6670 of 2009 on the file of the Sub Registrar, Arani in favour of the defendants/petitioners herein in respect of the properties mentioned above, which are covered under A & B Schedule properties, is barred by limitation and legally unenforceable and for permanent injunction. However, during the pendency of the Writ Petition, the 4th respondent has attempted to alienate the aforementioned properties. Hence, the petitioners have given a representation on 18.10.2016 to the Sub Registrar, Arani/3rd respondent not to accept any document with regard to the sale or alienation or mortgage of the same property. But since the 3rd respondent has not taken any action on the petitioners' representation, the present Writ Petition has been filed.

3.The learned Government Advocate appearing for the respondents 1 to 3 submitted that when the 4th respondent after executing the Sale Agreement dated 07.12.2009 has come out of the said Agreement due to difference of opinion and also filed a Civil Suit in O.S.No.168 of 2016 on the file of the District Munsif, Ponneri seeking for declaration of the Sale Agreement dated 07.12.2009 as null and void, the Sub Registrar will not be able to entertain the same.

4.In view of the submission made by the learned Government Advocate, the Writ Petition stands disposed of. However, it is open to the petitioners to approach the District Munsif Court, Ponneri seeking for early disposal of the pending suit in O.S.No.168 of 2016. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

va

To

1.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.

2.The District Registrar,
North Madras,
No.1, Morthykal Lane,
Chennai - 600 001.

3.The Sub Registrar,
Office of the Sub Registrar Office,
No.3, S.P.Koil Street, Arani 601 101,
Thiruvallur District.

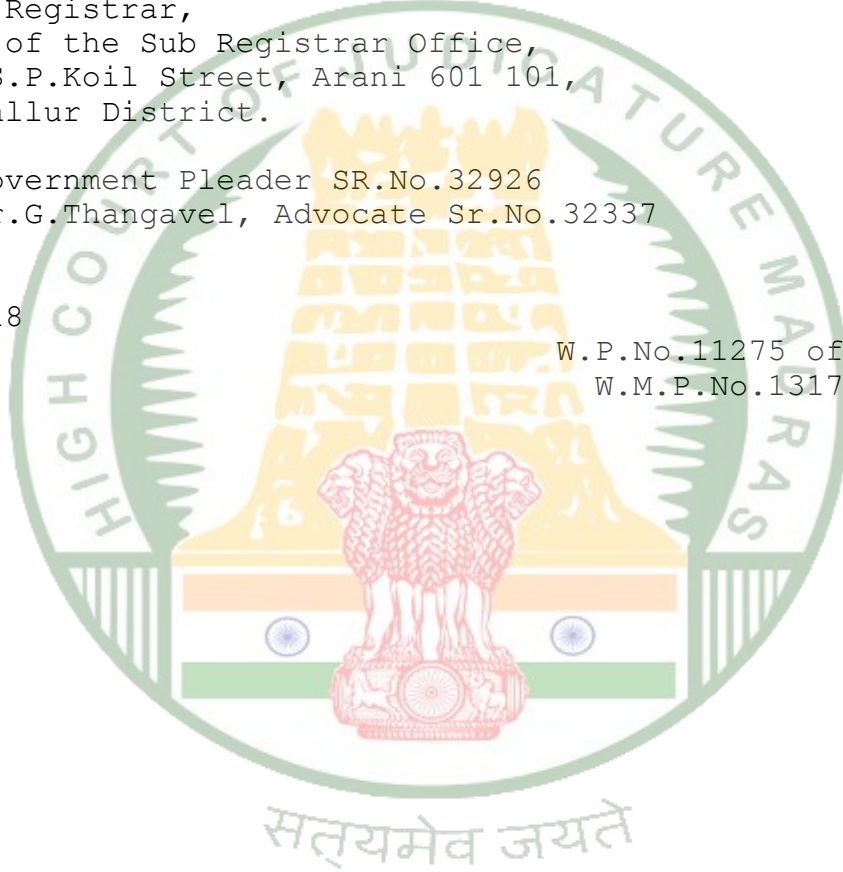
+lcc to Government Pleader SR.No.32926

+lcc to Mr.G.Thangavel, Advocate Sr.No.32337

PVS (CO)

sm:4.6.2018

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