

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27739 of 2018

Rajappa

.. Petitioner

versus

1. The Director General of Registration,
Registration Department,
120, Santhome High Road,
Chennai - 600 028.
 2. The District Registrar,
District Registration Office,
Krishnagiri - 635 001.
 3. The Sub Registrar,
Sub Registration District,
Hosur - 635 109.
 4. Ramanjeeni
 5. Narayanappa
 6. Yasodha
 7. Gowramma
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to take appropriate action against the third respondent and to cancel the Release Deed executed by the fourth to seventh respondents in favour of Gouramma @ Chinna Gowramma and 5 others vide document No.9435/2018 dated 16.05.2018 before SRO, Hosur as per the representation letter dated 18.06.2018 of the petitioner.

For Petitioner : Ms.R.Aparna

For RR 1 to 3 : Mr.T.M.Pappiah

Spl. Government Pleader (Registration)

O R D E R

The writ petition has been filed seeking a direction to the first and second respondents to take appropriate action against the third respondent and to cancel the Release Deed executed by the fourth to seventh respondents in favour of Gouramma @ Chinna Gowramma and 5 others vide document No.9435/2018 dated 16.05.2018 before SRO, Hosur as per the representation letter dated 18.06.2018 of the petitioner.

2. According to the petitioner, the persons, who are no way connected with the property, have filed the suit before the District Munsif cum Judicial Magistrate No.1, Hosur in O.S.No.396 of 2016 for declaration and injunction, which was dismissed on 21.06.2013 and there was no appeal against the same. The petition mentioned properties originally belong to one Kundappa and he died on 09.06.2013 leaving behind his wife Muniyellamma, two sons Murugesh and Rajappa and daughter Shila as his heirs. While so, the legal heirs of Kundappa executed a sale deed in favour of the petitioner on 29.11.2017. The respondents 4 to 7, who are the plaintiffs in the above suit have executed a Release Deed in favour of one Gowramma and 5 others vide document No.9435/2018 dated 16.05.2018 before SRO, Hosur. The Sub Registrar even without taking note of the entry made in the E.C. and Encumbrance registered the Release Deed in favour of third parties.

3. It is further submitted by the petitioner that he has given a representation to the official respondents on 18.06.2018, based on which, the third respondent vide his letter in Na.Ka.No.154/2018, dated 29.06.2018 requested the Tahsildar, Hosur not to mutate the records in favour of third parties till the conclusion of the enquiry with respect to the Release Deed which is allegedly executed fraudulently and illegally. The petitioner is in possession and enjoyment of the said property till date and he apprehends that the persons, who have benefited from the fraudulent act would create an encumbrance depriving him his legitimate right over the said property. The second respondent by letter dated 05.09.2018 directed the petitioner to appear before him. Even though the petitioner appeared before the second respondent along with all relevant documents, there is no positive outcome till date from the second respondent. Hence, the above writ petition is filed.

4. Considering the facts and circumstances of the cases and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the third respondent to consider the petitioner's representation dated 18.06.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the fourth to seventh respondents herein and also affording due opportunity of hearing to the petitioner, fourth to seventh respondents herein as well as any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Director General of Registration,
Registration Department,
120, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
District Registration Office,
Krishnagiri - 635 001.

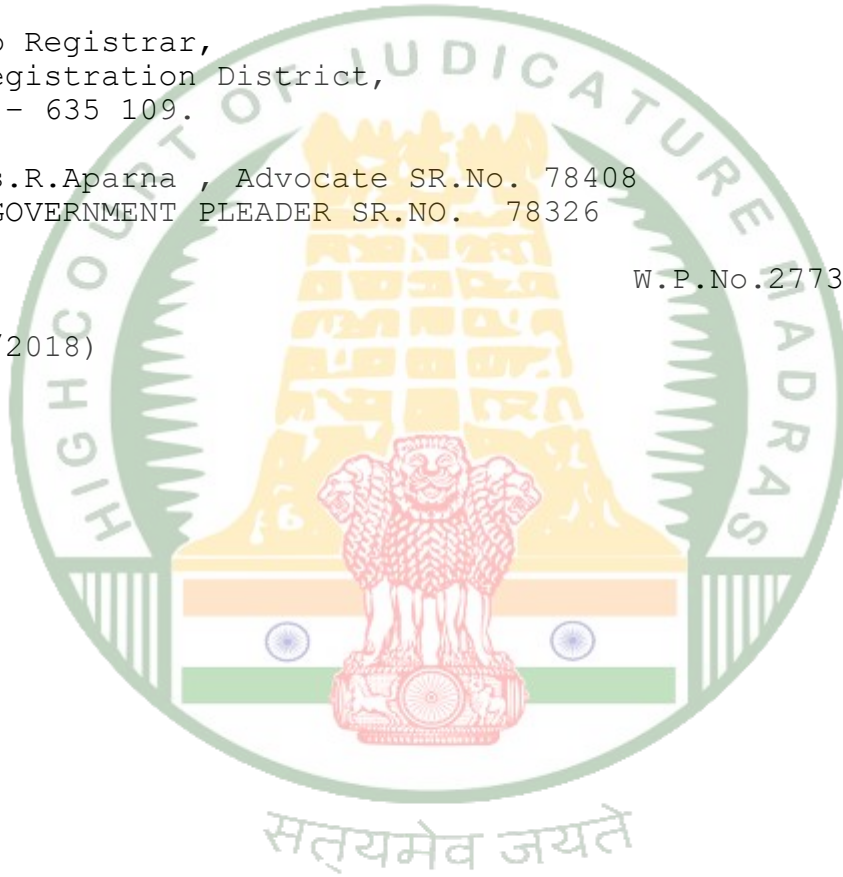
3. The Sub Registrar,
Sub Registration District,
Hosur - 635 109.

+1cc to Ms.R.Aparna , Advocate SR.No. 78408

+1 CC TO GOVERNMENT PLEADER SR.NO. 78326

W.P.No.27739 of 2018

ASK(10/12/2018)



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