

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33686 of 2018

R.Kumaresan

.. Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Salem Road, Krishnagiri.
2. The Sub Registrar,
Sub Registrar Office,
Palakkodu Road,
Kaveripattinam.
3. The Deputy Registrar,
District Registration Offices,
Ramasundram Street,
Salem District 636 001.
4. The Sub Registrar,
Sub Registrar Office, Sulagiri.
5. Govindan

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider his representation dated 10.11.2018.

For Petitioner : Mr.D.Manimaran

For Respondents : Mr.T.M.Pappiah
1 to 4 Special Government Pleader

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to the respondents to consider his representation dated 10.11.2018.

3. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 10.11.2018 to the respondents 1 and 2 seeking to cancel the sale deed dated 05.09.2017 executed by one Govindan/the fifth respondent herein illegally in favour of one Mariappan. The said representation has not been considered by the respondents. Hence, the petitioner has moved this Court seeking for a Writ of Mandamus.

4. It is settled law that the Registrar has got no powers to cancel the Sale Deed and the petitioner has to go before the Civil Court to get his rights declared. The petitioner also seems to have filed a suit in O.S.No.149 of 2017 on the file of the District Munsif, Krishnagiri and the same is pending.

5. The learned counsel appearing for the petitioner insisted that the Registrar concerned at least should have given a reply and conduct an enquiry in this regard.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the second respondent to conduct an enquiry as per Section 83 of the Registration Act and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the fifth respondent herein as well as any of the interested parties and also affording them an opportunity of personal hearing within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn/av

To

1. The District Registrar,
District Registrar Office,
Salem Road, Krishnagiri.
 2. The Sub Registrar,
Sub Registrar Office,
Palakkodu Road,
Kaveripattinam.
 3. The Deputy Registrar,
District Registration Offices,
Ramasundram Street,
Salem District 636 001.
 4. The Sub Registrar,
Sub Registrar Office, Sulagiri.
- +1 cc to The Government Pleader, SR.No.89455
+2 cc to Mr.D.Manimaran, Advocate SR.No.88328

SJ(CO)
CSL/11.01.2019

W.P.No.33686 of 2018



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