



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.19007 of 2018

WEB COPY

M.Munnamalai

... Petitioner

Vs.

The Inspector General of Registration,
Santhome High Road,
Pattinapakkam, Chennai.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to dispose of the appeal filed by the petitioner, dated 03.07.2018. within a time frame stipulated by this Court.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondent : Mr.M.Murugan,
Government Advocate.

ORDER

This writ petition is filed seeking a Writ of Mandamus to direct the respondent to consider and dispose of the petitioner's appeal dated 03.07.2018 within a reasonable time as may be fixed by this Court.

2. The case of the petitioner is that there was a partition deed between his father and his brother on 31.12.1947. As per the partition deed, D-schedule property stands in his father's name. In the meantime, his father and his brother had decided to exchange the possession of the property in Survey No.106/5 punja land admeasuring an extent of 68 cents situated at Sathira Thondamaanpatti, which is in possession of the petitioner's father to in Survey No.37/1B1 at Manjampatti punja land admeasuring an extent of 17 cents, which is in possession of his brother. On 03.03.1997, they exchanged the same. The petitioner's father's brother decided to sell both the properties to one Sankar, but it was found that at the time of drafting the exchange deed, there was a typographical error committed by the drafter mentioning his father's brother's name in both the documents mistakenly. Hence, they entered into a mutual agreement and decided to rectify the mistakes in the exchange deed. As per the mutual agreement, the petitioner's father's brother sold the property in Survey No.38/8 to one Shankar. Since the petitioner's father's brother failed to repay the amount to his father, the possession of the abovesaid property falls in favour of his father. On 07.08.2009, the petitioner's father transferred the possession and title of the above said property to the petitioner by



way of Settlement Deed in Document No.3107 of 2009 and ultimately, he is possession and enjoyment of the said property. The petitioner sold the said property to one Gowtham through sale deed, dated 25.11.2010.

3. In the meantime, the petitioner's father's brother and his son-in-law created a forged document and registered the same. The petitioner approached them to rectify the same, but they refused to do so. Hence, the petitioner lodged a complaint against his father's brother and the same has been registered in Crime No.121 of 2016 and charge-sheet also filed and the same is pending.

4. The petitioner has filed a Writ Petition in W.P(MD) No.22793 of 2017 and this Court, by order dated 13.12.2017, directed the respondents to consider the representation of the petitioner, dated 19.04.2016 followed by a reminder, dated 01.12.2017 and pass necessary orders on merits and in accordance with law within a period of eight weeks, after affording an opportunity of hearing to the petitioner and other interested parties.

5. In view of the order passed by this Court in W.P(MD) No.22793 of 2017, the District Registrar, Madurai South has passed an order, dated 05.03.2018 stating that a civil suit filed by one Dhanasekaran in O.S.No.44 of 2014 on the file of the District Munsif, Melur, is still pending and directed the petitioner to approach the competent civil Court. Hence, the petitioner filed an appeal before the respondent on 03.07.2018 to set aside the order passed by the District Registrar. Since the petitioner has not received any summons and the same is still pending before the respondent, he has filed the present Writ Petition seeking a direction for early disposal.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

7. Considering the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the respondent to consider and dispose of the appeal filed by the petitioner, dated 03.07.2018 on merits and in accordance with law, after affording opportunity of hearing to the petitioner as well as to the other interested persons and pass appropriate orders within a period of six months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/



To

The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai.

+1 cc TO MR.V.M.JEGADEESHA PANDIAN, ADVOCATE IN SR.NO.95049.
+1 CC TO SPL.GOV.T.PLEADER IN SR.NO.95197.

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