

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.2014 of 2019

M.Ghouse Basha

.. Petitioner

Vs.

1. The Inspector General of Registration,  
No.100, Santhome High Road,  
Mylapore, Chennai 600 004.

2. The District Registrar,  
Central Chennai,  
No.268, Bharathi Salai,  
Royapettah, Chennai 600 014.

3. The Sub Registrar,  
Periamet,  
Periamet Sub Registrar Officer,  
Poonamallee High Road,  
Chennai 600 003.

4. The Deputy Collector of Stamps,  
Office of the Collectorate,  
Chennai 600 001

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 15.11.2018 filed against Ref.No.19/13/A2/20/A4 in Document No.545 of 2013, at an early date.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.T.M.Pappiah  
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 prayer sought for in this Writ Petition is for the issuance of a Writ of Mandamus to dispose of the petitioner's appeal dated 15.11.2018 filed against Ref.No.19/13/A2/20/A4 in Document No.546 of 2013.

3. It is stated in the affidavit filed in support of the petition that the property bearing Door No.33, Narayana Naicken Street, Pudupet, Chennai 600 002 is an ancestral property of the petitioner, in which, half share was purchased by Ponnuvel Nadar and another, from one of the co-owner of the property. Hence, the petitioner filed a suit in O.S.No.8017 of 1980 for pre-emption to purchase the half share by invoking Section 3 of the Partition Act. In the said suit, a preliminary decree was passed on 26.07.2003 in favour of the petitioner and the the said Ponnuvel Nadar and his wife, Valliammal were directed to execute the Sale Deed in his favour, but they failed to execute the same. Hence, the petitioner filed an execution petition in E.P.No.1223 of 2004 before the IX Assistant Judge, City Civil Court, Chennai and the learned Judge directed to execute the Sale Deed. A Sale Deed dated 01.09.2013 was also executed by the IX Assistant Judge in the Office of the Sub Registrar, Periamet, vide Document No.545/2013. Subsequently, the petitioner had filed a Writ Petition in W.P.No.116447 of 2013 for releasing the said document and this Court, vide order dated 25.04.2013, directed the Sub Registrar, Periamet/the third respondent herein to return the said document and initiate proceedings for fixation of land value. After receiving the document by the petitioner, the second respondent initiated the proceedings in No.19/13/A2/2014 dated 20.01.2016, fixing the deficit value at Rs.5,29,291/- in respect of the entire property without adhering to the fact that only half share in the property is conveyed in favour of the petitioner. In this regard, the petitioner has not received any notice. Hence, the petitioner filed an application/representation before the fourth respondent on 02.11.2018 and obtained a copy of the order passed by the second respondent on 09.11.2018. As against the said order dated 20.01.2016, the petitioner filed an appeal before the first respondent and the same was received on 15.11.2018. But, till date, no action has been taken by the first respondent on the said appeal. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

4. Heard Mr.T.M.Pappiah, learned Special Government Pleader on behalf of the respondents.

5. 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 case, directs the first respondent to dispose of the petitioner's appeal dated 15.11.2018 and pass appropriate orders, on merits and in

accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

srn

To

1. The Inspector General of Registration,  
No.100, Santhome High Road,  
Mylapore, Chennai 600 004.
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4. The Deputy Collector of Stamps,  
Office of the Collectorate,  
Chennai 600 001

+1cc to Mr.T.Velumani, Advocate SR.No.7080

+1cc to Government Pleader SR.No.8795

W.P. No.2014 of 2019

SSV(CO)  
GMY(27/02/2019)