

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2019

CORAM
THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4604 of 2019

V.Mathaiyan

...Petitioner

Vs.

1.The Deputy Inspector General of Registration
Salem Region (for Dharmapuri District)
No.312, Third Floor,
District Collector's Office
Salem - 636 001.

2.The District Registrar (Admin)
Department of Registration
Dharmapuri District
Dharmapuri.

3.The District Revenue Officer
Dharmapuri District
Dharmapuri.

4.Sivakamisundari

5.Sivanandam

6.Karunakaran

7.Sridhar

8.Chennammal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to directing the 2nd respondent to consider the petitioner's representation dated 07.01.2019 in the light of the Circular Letter No.41530/U1/2017 dated 08.11.2017 and in accordance with law.

For Petitioner : Mr.R.Neelakandan

For Respondents: Mr.P.P.Purushothaman
Government Advocate For R1 to R3

O R D E R

Mr.P.P.Purushothaman, learned Government Advocate takes notice for the respondents 1 to 3. Since this writ petition is being disposed of without affecting the interest of the respondents 4 to 8, notice to the said respondents is dispensed with.

2. Heard both sides.

3. The petitioner seeks for a Mandamus directing the second respondent to consider his representation dated 07.01.2019 in the light of the Circular Letter No.41530/U1/2017 dated 08.11.2017 and in accordance with law.

4. The case of the petitioner in short is as follows:

One Sivakamisundari Ammal, wife of Ramakrishnan, was the absolute owner of the land measuring to an extent of 3.11 acres in Survey No.34/6 in Annamalihalli Village, Pappireddipatty Taluk, Dharmapuri District, vide sale deed dated 05.11.1972 registered as Document No.2551/1972 on the file of SRO, Harur. The said Sivakamisundari Ammal, sold out 1.00 acre land, out of 3.11 acres to one Paramasivam vide sale deed dated 29.03.1990 registered as Document No.630/1990. Thereafter, the petitioner has purchased the land measuring an extent of 1.00 acre from the said Paramasivam vide sale deed dated 05.07.1996 registered as Document No.1624/1996. However, the said Sivakamisundari Ammal, has fraudulently sold out the entire land measuring an extent of 3.15 acres in favour of one Chennammal, wife of Kuppusamy, the eight respondent herein and executed a sale deed dated 10.12.1998, registered as Document No.3046 of 1998 on the file of SRO, Harur along with her sons viz., Sivanandam, Karunakaran and Sridhar, the respondents 5 to 7 herein. Hence, the petitioner has made a representation dated 07.01.2019 to the respondents 1 to 3 to take necessary action against the aforesaid fraudulent registration. It is stated that the Inspector General of Registration, Chennai, sent a communication dated 29.01.2019 to the second respondent viz., the District Registrar, Dharmapuri, to take necessary action on the said representation dated 07.01.2019 as per Section 68(2) of the Registration Act.

5. Now, the grievance of the petitioner before this Court is that the representation dated 07.01.2019 has not been considered by the second respondent so far.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the second respondent to consider the representation dated 07.01.2019 and pass orders on the same

on merits and in accordance with law, after giving due opportunity of hearing to the petitioner, the respondents 4 to 8 and all other parties concerned. Such exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Deputy Inspector General of Registration
Salem Region (for Dharmapuri District)
No.312, Third Floor,
District Collector's Office
Salem - 636 001.
- 2.The District Registrar (Admin)
Department of Registration
Dharmapuri District
Dharmapuri.
- 3.The District Revenue Officer
Dharmapuri District,
Dharmapuri.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No.14352
+1cc to the Government Pleader, S.R.No.15549

W.P.No.4604 of 2019

RSI (CO)

rrs 18/03/2019

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