

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 15.03.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.32648 of 2012

and

M.P.No.1 of 2012

1.D. Karunakaran

2.D. Kulasekaran

.... Petitioners

Vs

1.The District Registrar/The Enquiry Officer,
Virudhachalam,
Cuddalore District.

2.The Sub Registrar,
Tirumuttam,
Kattumannarkoil Taluk,
Cuddalore District.

3.Vasantha

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st Respondent to forthwith furnish the copy of the Appeal Petition No.1 of 2012 along with the connected papers to the petitioners and to give a personal opportunity to the petitioners in the enquiry in the Appeal Petition No.1 of 2012.

For Petitioners : Mr.P.Sidhandhan

For R1 & R2 : Mr.P.P.Purushothaman
(Government Advocate)

For R3 : Ms.S.A.Kanmani
For A.L.Ganthimathi

ORDER

The scope of the writ petition is very limited. The petitioners herein claimed that they are the absolute owners of the lands measuring 22.5 cents in S.No.62/11 and 24 cents in S.No.62/7 in Palayamkottai, Melpathi Village, Kattumannarkoil Taluk, Cuddalore District. They claimed that they have not executed any sale deed alienating the said property.

2.However, the second respondent namely, the Sub Registrar, Tirumuttam, Kattumannarkoil Taluk, Cuddalore District, issued a summon to the petitioners to appear for an enquiry on 23.01.2012. It was mentioned that they have actually executed a sale deed dated 08.09.2011 in favour of the third respondent herein.

3.The petitioners protested and participated in the enquiry. It is stated by the learned counsel for the petitioners that the enquiry resulted in favour of the petitioners. Thereafter, the third respondent had filed a statutory appeal before the first respondent namely, the District Registrar/Enquiry Officer, Virudachalam, Cuddalore District.

4.The petitioners now seek the copy of the grounds of appeal in Appeal Petition No.1 of 2012 dated 29.10.2012, along with the connected papers which had been filed by the third respondent in the proceedings before the first respondent. The Principles of Natural Justice requires that any party to the proceedings is entitled for copies in order to prepare the case and also to afford fair opportunity of put forth any necessary points available in his favour. It is only just and proper, that the first respondent gives the copy of the necessary papers to the petitioners herein.

5.The learned Government Advocate representing the first and second respondents states that the Appeal Petition is now pending and notice in due course will be sent to the petitioners herein. The learned Government Advocate also stated that along with the notice, the copies of the appeal petition and connected papers will also be forwarded to the petitioners directly by the first respondent.

6.With these observations, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

smv

1.The District Registrar/The Enquiry Officer,
Virudhachalam,
Cuddalore District.

2.The Sub Registrar,
Tirumuttam,
Kattumannarkoil Taluk,
Cuddalore District.

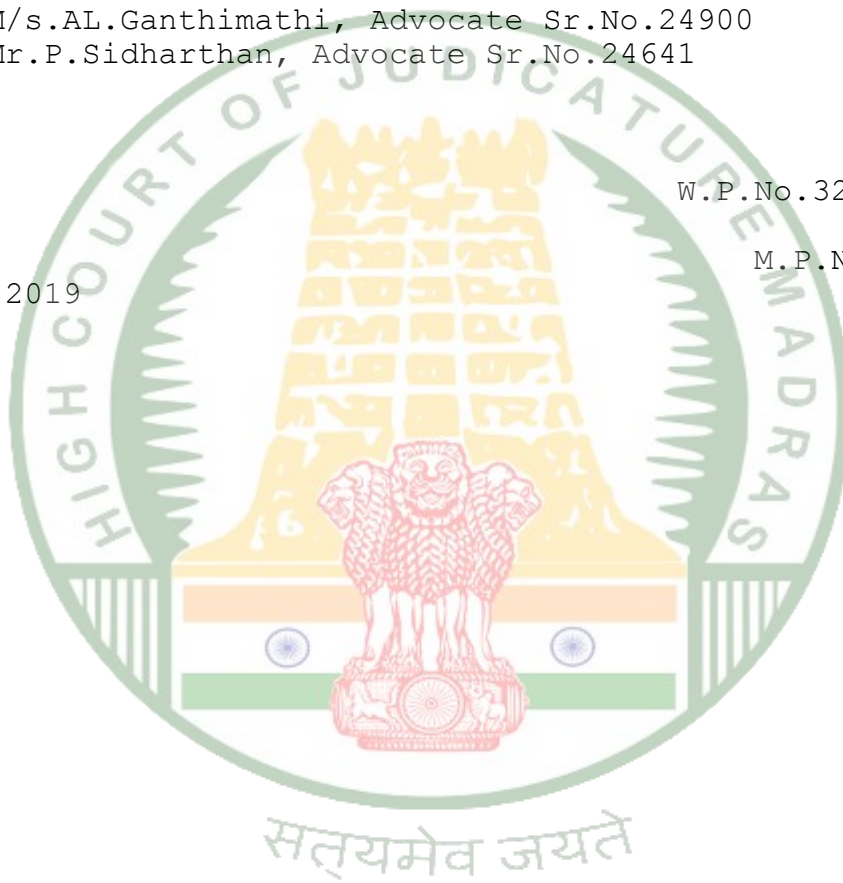
+1 cc to The Government Pleader, Sr.No.25733

+1 cc to M/s.AL.Ganthimathi, Advocate Sr.No.24900

+1 cc to Mr.P.Sidharthan, Advocate Sr.No.24641

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CSL/04.04.2019



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