

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31631 of 2018

G.Meena

....Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome,
Chennai.
2. The Sub Registrar,
Thiruporur Sub Registrar Office,
Thiruporur,
Kancheepuram District. Respondents

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 12.11.2018 and register the petitioner's decree.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

This writ petition has been filed seeking for a direction to the respondents to consider the petitioner's representation dated 12.11.2018, wherein and whereby, the petitioner has sought to register the decree granted by the Additional District Judge, Kancheepuram at Chengalpattu in O.S.No.155/2011.

2. The case of the petitioner is as follows:

She is one of the daughters of Late Ramakrishnan. She further submit that her grandfather, namely Natesa Naicker had purchased various survey numbers at No.40 Velichi Village, Velihai panchayat, Thiruporur Panchayat Union, Chengalpattu Taluk, Kancheepuram District. The petitioner's father, Natesa Naicker and his two brothers, namely Harikrishnan and Ramu are the three sons of the paternal grand parents of the petitioner.

The petitioner's grandfather did not execute any settlement or Will in respect of the ancestral property. Due to difference of opinion, the deceased father and his brothers filed Partition suit before the Additional District Court, Chengalpattu in O.S.No.155/2011 and the said suit was decreed in favour of her father on 16.10.2015. When the petitioner's father decided to register the said decree before the 2nd respondent office, the 2nd respondent office refused to register the same. A representation dated 23.07.2016 has also been sent by the father of the petitioner to the 2nd respondent in that regard. Since the said representation was not considered, the petitioner's father filed a writ petition in W.P.No.33760/2016 before this Court and this Court had disposed of the said writ petition on 26.09.2016 directing the 2nd respondent to consider and dispose of the the representation dated 23.07.2016. Subsequently, the petitioner's father died on 13.06.2017 leaving behind his legal heirs including the petitioner. Since the second respondent has failed to register the decree and judgment, the petitioner sent a representation on 12.11.2018. But till date the said representation has not been considered by the 2nd respondent. Hence, the present writ petition.

3. Heard both sides.

4. The grievance of the petitioner is that the said representation has not been considered by the 2nd respondent so far. 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 2nd respondent to consider the said request and pass appropriate orders on the same on merits and in accordance with law. Accordingly, this writ petition is disposed of by directing the 2nd respondent to consider the representation of the petitioner dated 12.11.2018 and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vsi

To

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

2. The Sub Registrar,
Thiruporur Sub Registrar Office, Thiruporur,
Kancheepuram District.

+1cc to Mr.M.Saravanakumar, Advocate SR.No.13966

+1cc to Government Pleader, High Court, Madras SR.No.14644

W.P.No.31631 of 2018

CA(CO)
GMY(06/03/2019)



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