

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.07.2019****CORAM:****THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR****W.P.(MD)No.16221 of 2019**

A.Chandrasekar

... Petitioner

Vs.

1.The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar,
District Registrar of Tenkasi,
No.57, Railway Border road,
R.T.O. Complex,
Tenkasi 627 811.

3.The Sub Registrar,
Aaghragaram Street,
Melaneethee Nallur,
Sankarankoil Taluk,
Tirunelveli District 627 953.

4.The Managing Director,
Moolchand Export Company,
No.501, Anna Salai,
J.V.L.Plaza,
II Floor,
Chennai 600 018.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to dispose of the petitioner's appeal dated 04.11.2017 as per the circular issued by the first respondent dated 08.11.2017 consequently, direct the 3rd respondent to cancel the sale deed registered in favour of the 4th respondent vide registration document No.377 of 1995, dated 20.02.1995.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.M.Murugan, G.A.for R1 to 3

O R D E R

The prayer in the Writ petition is for a Writ of Mandamus, directing the respondents to dispose of the petitioner's appeal dated 04.11.2017 as per the circular issued by the first respondent dated 08.11.2017 and consequently, direct the 3rd respondent to cancel the sale deed registered in favour of the 4th respondent



vide Reg.Doc.No.377 of 1995, dated 20.02.1995.

2.Heard Mr.D.Selvanayagam, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3.

3.Since no adverse order going to pass against the 4th respondent, notice to the 4th respondent is disposed with.

4.That in respect of a document in document No.377 of 1995 at the third respondent office, the petitioner seems to have given an appeal against the 4th respondent on 04.11.2017 and the learned counsel for the petitioner submits that the said appeal, if it would be decided on merits, within a time frame, the petitioner would be satisfied.

5.I have gone through the said appeal claimed to have been given by the petitioner and the said appeal dated 04.11.2017 has not been given to any of the respondents though a copy has been marked and the same was sent to the Hon'ble Chief Minister of Tamil Nadu. The appeal submitted to the Chief Minister's office cannot be directed to be decided by this Court as the appellate authority is only the 2nd respondent that too, the District Registrar Administration, Tenkasi, Tiruenlveli District. But the appeal should properly be given only to the concerned authority and in that view of the matter, the prayer sought for herein cannot be granted. But at the same time, liberty is given to the petitioner to submit an appeal as desired by the petitioner to the 2nd respondent that too, in the name of the District Registrar Administration, Tenkasi, Tiruenlveli District. One such appeal is filed to the 2nd respondent, the same shall be decided on merits and in accordance with law after giving an opportunity of being heard to both the petitioner as well as the 4th respondent by the concerned appellate authority thereafter, within a period of 12 weeks.

6.With this direction the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(co)

// True Copy //

Sub Assistant Registrar(CS)

Nbj



To

1.The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar,
District Registrar of Tenkasi,
No.57, Railway Border road,
R.T.O. Complex,
Tenkasi 627 811.

3.The Sub Registrar,
Aaghragaram Street,
Melaneethee Nallur,
Sankarankoil Taluk,
Tirunelveli District 627 953.

+2CC TO MR.D.SELVANAYAGAM, Advocate Sr. No.76604 & 77410

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.76891

W.P. (MD) No.16221 of 2019
22.07.2019

KM(CO)

TR (29.08.2019) 3P 7C