



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **13.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23898 of 2019

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P.C.Nagarajan

... Petitioner

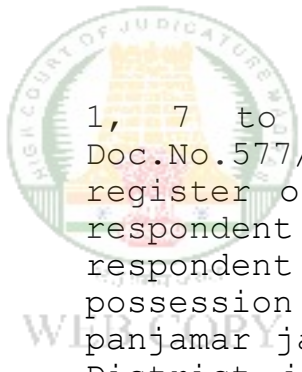
Vs.

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.
- 2.The Director,
National Commission for Scheduled Caste/
Scheduled Tribes,
2nd Floor, Block-V, Shasthri Bhavan,
Chennai-600 006.
- 3.The District Collector,
Theni District.
- 4.The District Revenue Officer,
Theni, Theni District.
- 5.The Revenue Divisional Officer,
Periyakulam,
Theni District.
- 6.The Tahsildar,
Periyakulam Taluk,
Theni District.
- 7.The Assistant Inspector General of Registration,
Y-Othakadai, Madurai.
- 8.The District Registrar,
Periyakulam, Theni District.
- 9.The Joint Sub Registrar,
Periyakulam No.II,
Office of Joint Sub Registrar,
Periyakulam,
Theni District.
- 10.Mariammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents

<https://hcservices.ecourts.gov.in/hcservices/>



1, 7 to 9 to remove the illegal encumbrance of sale deed Doc.No.577/93, dated 27.05.1993 in favour of 10th respondent in the register of the 9th respondent and consequently forbearing the 10th respondent and her men or any one claiming under or on behalf of 10th respondent from interfering with the petitioner's right of possession and enjoyment in Survey No.143/1 measuring 0.79 cents of panjamar jari land in D-Vadipatti Village, Periyakulam Taluk, Theni District in the light of the order passed in W.P.(MD)No.10365 of 2014 passed by this Court.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.M.Murugan
Government Advocate
for R.1 to R.9

ORDER

Mr.K.Appadurai, learned Counsel on record for writ petitioner is before this Court.

2. Mr.M.Murugan, learned Government Advocate accepts notice on behalf of respondents 1 to 9 (official respondents).

3.To be noted, tenth respondent is a private respondent. In the hearing, learned counsel for writ petitioner restricts his prayer to a plea of direction for disposal of representation within a time frame. From the abridged prayer it comes to light that an order, which is not adverse to the rights of tenth respondent (private respondent) can be passed, after making sufficient and adequate safeguards in this regard which shall be set out *infra* elsewhere in this order. Therefore, with the consent of learned counsel on record for the writ petitioner and learned Government Advocate who accepts notice on behalf of respondents 1 to 9 (official respondents), main writ petition is taken up, heard out and is being disposed of.

4.The main writ petition now turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 29.07.2019 wherein writ petitioner has alleged fraudulent registration of panchami lands.

5. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant writ petition and submits that it will suffice if the seventh respondent is directed to dispose of the aforementioned representation of the writ petitioner dated 29.07.2019, details of which have been alluded to supra. To be noted, representation dated 29.07.2019 has been sent to the first respondent ie., the Inspector General of Registration, Chennai. The first respondent shall forward the representation to the seventh



respondent ie., the Assistant Inspector General of Registration, Y-Othakadai, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

6.Learned State Counsel submitted that the seventh respondent is the authority who is competent to consider the aforementioned representation dated 29.07.2019 made by the writ petitioner (page No.16 of the typed set of papers forming part of the case file).

7.The aforesaid representation dated 29.07.2019 shall be disposed of by the seventh respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of the representation dated 29.07.2019 from the first respondent.

8. It is made clear that in the course of the representation being considered by the seventh respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the seventh respondent shall put on notice and give reasonable opportunity to such third party / parties or third party entity / entities, before disposing of the aforementioned writ petitioner's representation. It is also made clear with specificity that tenth respondent has to be put on notice and given a reasonable opportunity by the seventh respondent before taking a decision. To be noted, this is the safeguard qua rights of tenth respondent alluded to supra. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

9.Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. Though obvious, it is also made clear that petitioner abridging the scope of instant writ petition and prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

10.The proceedings / order of disposal of aforementioned representation shall be communicated by the office of the seventh respondent to the writ petitioner, tenth respondent and others concerned (if any) under due acknowledgement within seven (7) working days from the date of proceedings / order ie., seven working days from date of disposal.



11.Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

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// True Copy //

Sub Assistant Registrar(CS)

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To

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Santhome High Road,
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Office of Joint Sub Registrar,
Periyakulam,
Theni District.



W.P(MD)No.23898 of 2019

+1 CC to Mr.K.APPADURAI, Advocate (SR-97814[F] dated 13/11/2019)
+1 CC to Spl.GP (SR-98431[F] dated 14/11/2019)

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