

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.29178 of 2013

1. A. Sekar - deceased
2. Jyothiswari
3. Senthil Saravanan
4. S. Mahamibigai

[P2 to P4 substituted as Lrs of deceased sole petitioner vide order dated 14.08.2020 made in M.P.No.1 of 2014 in W.P. o.29178/2013]

... Petitioners

v.

- 1.The Inspector General of Registration,
Santhome,
Chennai
- 2.The District Registrar (Registration),
5th Floor, Door No.230,
Sawalpet, 5K, Gandhi road, Arakonam,
Vellore District - 631 001.
3. The Sub Registrar,
Wallajah Registration Office,
Wallajah, Vellore District.
4. A. Nandagopal
5. B. Meganathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus to direct the 1st respondent to conduct detail enquiry and scrutinize the entire records pertaining to the registration of documents made by the 3rd respondent from 25.06.2004 (date of expiry of mother) for the properties comprises in Survey Nos. 105, 106, 107/1 and 108 having extent of property 45797 sq. feet and to cancel the above mentioned Registration within the time limit fixed by this court.

For Petitioners: Ms. P. Uma

For Respondents: Mr. B. Kannan
Government Advocate - R1 to R3

No Appearance - R4 & R5

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to conduct a detailed enquiry and scrutinize the entire records pertaining to the registration of documents made by the 3rd respondent from 25.06.2004 i.e. the date of expiry of his mother, for the properties comprised in Survey Nos. 105, 106, 107/1 and 108 having an extent of 45797 sq. feet and to cancel the registration in respect of the property within a time frame.

2. When the Writ Petition is taken up for hearing, Ms. P. Uma, learned counsel appearing for the petitioners submitted that the petitioners are restricting their prayer only with regard to conducting an enquiry by the 2nd respondent and they are giving up the prayer with regard to the cancellation of the registration. Further, the learned counsel submitted that the petitioners' representation dated 29.10.2012 has not yet been considered by the 2nd respondent.

3. Mr. B. Kannan, learned Government Advocate appearing for the respondents 1 to 3 submitted that the petitioners may be directed to give fresh representation to the 2nd respondent for conducting enquiry and on such representation being given by the petitioners, the 2nd respondent may be directed to consider the same and pass orders in accordance with law. The learned counsel for the petitioners submitted that two weeks time may be granted to the petitioner to give fresh representation to the 2nd respondent.

4. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioners, I grant two weeks time to the petitioners to submit a fresh representation to the 2nd respondent seeking to conduct a detailed enquirer with regard to the registration of the documents made by the 3rd respondent and on receipt of the same, the 2nd respondent is directed to consider the same and pass orders, on merits and in accordance with law, after giving notice to all the interested parties, within a period of four months from the date of submission of the representation.

With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Rj

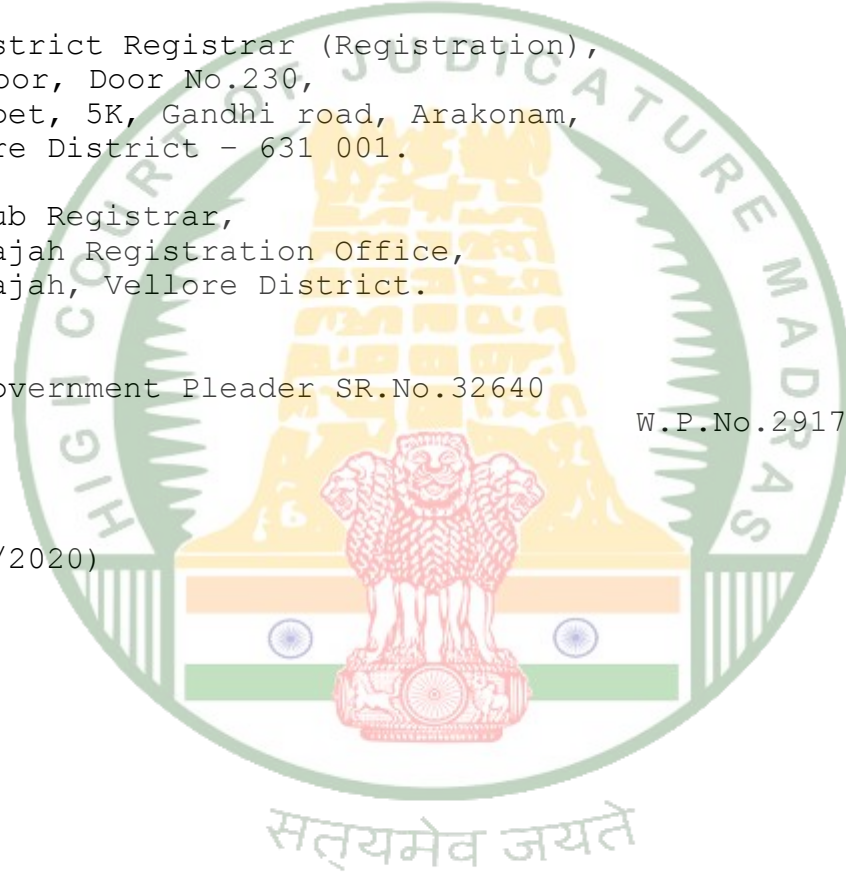
To

- 1.The Inspector General of Registration,
Santhome,
Chennai
- 2.The District Registrar (Registration),
5th Floor, Door No.230,
Sawalpet, 5K, Gandhi road, Arakonam,
Vellore District - 631 001.
3. The Sub Registrar,
Wallajah Registration Office,
Wallajah, Vellore District.

+1cc to Government Pleader SR.No.32640

W.P.No.29178 of 2013

BS (CO)
GMY (20/10/2020)



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