

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14034 of 2020 and
W.M.P. No.17424 of 2020
(Heard through VC)

A.Sythani

.. Petitioner

Vs.

1. The District Revenue Officer,
Dharmapuri,
Dharmapuri District.
2. The Revenue Divisional Officer,
Harur, Dharmapuri District.
3. The District Registrar,
Dharmapuri.
4. The Sub Registrar,
Pappireddipatty,
Dharmapuri District.
5. Ameer Unnisha

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 4th respondent from registering the sale deed with regard to the land in Survey No.93 to the extent of 2.73 acres situate at Kondakarahalli Village, Pappireddipatty Taluk, Dharmapuri District.

For Petitioner : Mr.N.Desinghu

For Respondents-1 & 2 : Mr.V.Shanmugasundar, Spl. GP

For Respondents-3 & 4 : Mr.T.M.Pappiah, Spl.GP (Regn)

O R D E R

The Writ Petition is filed seeking a mandamus to forbear the 4th respondent from registering the sale deed with regard to the land in Survey No.93 to the extent of 2.73 acres situate at Kondakarahalli Village, Pappireddipatty Taluk, Dharmapuri District.

2. It is the case of the petitioner that originally, her father, namely, Samsudheen had executed a Sale Deed dated 02.12.1993 in favour of her daughter, namely, Ameer Unnisa, to the extent of 2.73 acres of land in Survey No.93, situated at Kondakarahalli Village, Pappireddipatty Taluk, Dharmapuri District. The petitioner's daughter/Ameer Unnisa, completed her MBBS course in Russia, returned to India and was staying with the family. Within few months, the petitioner's daughter eloped with one N.Babu, who is a driver and deserted the family. After her marriage, she involved in a criminal case and FIR was also registered against her. Thereafter, the petitioner's daughter executed Muchalika and gave up her right dated 21.02.2011 through an unregistered document.

3. According to the petitioner, her daughter had deserted the family and is trying to sell the above mentioned property. Due to the same, the petitioner made a representation to the Revenue Divisional Officer/second respondent herein, who in turn, without giving any finding with regard to the subject matter, had passed an order in his proceedings Na.Ka.No.1031/2020/A4 dated 08.06.2020. Against the said order, the petitioner made an appeal to the District Revenue Officer, Dharmapuri District on 22.06.2020 and also sent a representation to the fourth respondent on 04.07.2020 seeking not to register the Sale Deed in respect of the above mentioned property, but, the fourth respondent is taking steps to register the Sale Deed to be executed by her daughter. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to conduct an enquiry, based on the appeal of the petitioner dated 22.06.2020, and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the fifth respondent herein and by affording them an opportunity of personal hearing or virtual hearing and after verifying the relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Revenue Officer,
Dharmapuri,
Dharmapuri District.

2. The Revenue Divisional Officer,
Harur, Dharmapuri District.

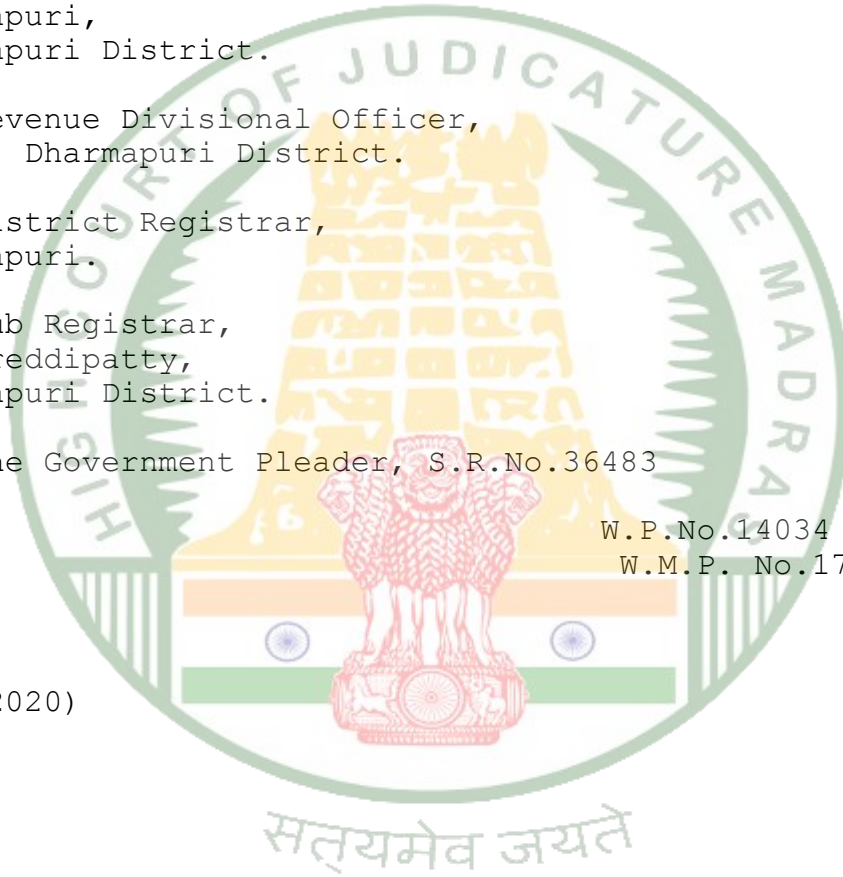
3. The District Registrar,
Dharmapuri.

4. The Sub Registrar,
Pappireddipatty,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.36483

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GJ(CO)
RV(09/12/2020)



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