

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 14677 of 2020
and
WMP.No.18247 of 2020

R.Raghuraman,
S/o.S.Ramadas.

... Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Namakkal District,
Namakkal.

2.The Sub-Registrar,
Sub-Registration Office,
Namagiripettai,
Namakkal District.

3.M.Kanagavel,
S/o.Muthu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry on the Protest Petition filed by the petitioner on 05.10.2020 in acknowledgement receipt No.3212/2020 in Document No.PP/Namagiripettai/12/2020 in accordance with the Circular issued by the Inspector General of Registration in Na.Ka.No.39708/C1/2018 dated 04.10.2018 and pass orders.

For Petitioner : Mr.A.Arulmozhi

For Respondents : Mr.T.M.Pappiah
1&2 Special Government Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first and second respondents to conduct an enquiry on the Protest Petition filed by the petitioner on 05.10.2020, wherein the petitioner is apprehending that the third respondent is attempting to

alienate the property against the interest of the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is a Non-resident Indian and the third respondent is his maternal uncle. Considering the relationship, the petitioner had entrusted the entire management of the financial transactions and also investments to the third respondent. During the year 2007, the third respondent purchased a property in the name of petitioner's wife by a registered sale deed dated 11.06.2007. The learned counsel further submitted that the third respondent advised to sell that property in order to purchase the subject property in S.No.53/1, measuring an extent of 5.30 acres. The learned counsel submitted that the petitioner's wife executed a power of attorney in favour of the third respondent to sell the property. The property was sold and the subject property was purchased by registered sale deed dated 18.05.2010.

3.The learned counsel submitted that there was a misunderstanding between the third respondent and the petitioner on the ground that the third respondent had diverted various funds and had involved in fraudulent transactions. Therefore, the petitioner apprehended that the third respondent will deal with the subject property also. According to the petitioner, the third respondent had handed over the originals of the entire title documents to the petitioner on 10.07.2019 and had given an undertaking that the property will be re-conveyed to the petitioner. However, the petitioner noticed that the third respondent was taking hasty steps to dispose of the property and create third party rights. Hence, a Protest Petition was given to the first and second respondents on 05.10.2020 and the petitioner requested the first and second respondents not to register any documents pertaining to the subject property without considering the objections submitted by the petitioner. The apprehension of the petitioner is that the protest made by the petitioner is not being considered and the third respondent is making arrangements to deal with the subject property. Hence, the present writ petition has been filed before this Court.

4.Heard Mr.A.Arulmozhi, learned counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the first and second respondents to consider the Protest Petition submitted by the petitioner on 05.10.2020, before entertaining any documents submitted by the 3rd respondent for registration pertaining to the subject property. As and when any document is presented for registration, the petitioner shall be called for an

enquiry and a decision shall be taken by the first and second respondents strictly in accordance with law. The petitioner is directed to make a fresh representation to the first and second respondents along with all the relevant documents and also a copy of this order. The petitioner is directed to pay the necessary fees to the first and second respondents for considering the Protest Petition.

6.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Rm

To

1.The District Registrar,
Department of Registration,
Namakkal District,
Namakkal.

2.The Sub-Registrar,
Sub-Registration Office,
Namagiripettai,
Namakkal District.

+1cc to M/s.A.Arulmozhi, Advocate SR.33678

+1cc to the Government Pleader SR.33897

W.P.No.14677 of 2020

AK(CO)
CB(21/10/2020)

सत्यमेव जयते

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