

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2020
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.5143 of 2014

Irusappan

... Petitioner

Vs

1. The District Registrar (Admin)
Villupuram District,
Villupuram.

2. The District Registrar (Admin)
Tindivanam District,
Tindivanam.

3. R.Sakarabani ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to take necessary action on the petitioner's complaint dated 17.12.2013.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.B.Kannan

Government Advocate
for Registration for R1 & R2
for R3 - No appearance

ORDER

This writ petition has been filed for a Mandamus to direct the second respondent to take necessary action on the petitioner's complaint dated 17.12.2013 within a time frame to be fixed by this Court.

2. The case of the petitioner is that he is the absolute owner of the property measuring 50 cents comprised in Survey No. 150/1, New No.62/5, Salavathi Village, Tindivanam Taluk, Villupuram District. According to the petitioner based on a Partition deed (Kurchit), dated 05.02.1977, he became the absolute owner of the aforesaid

property. It is his case that he is also having a patta bearing No.377 issued in his name and he is in possession for more than 30 years. However, according to the petitioner, the third respondent fraudulently obtained a sale deed in his name on 04.07.2012 in respect of the same property. According to the petitioner, he was constrained to give a complaint on 17.12.2013 to the respondents 1 and 2 against the third respondent for having obtained a fraudulent sale deed in his name. However, it is the case of the petitioner that the complaint has not been considered by the respondents. In such circumstances, this writ petition has been filed.

3. Heard Mr.K.Gandhi Kumar, learned counsel for the petitioner and Mr.B.Kannan, learned counsel for the respondents 1 and 2. There is no representation on the side of the 3rd respondent, eventhough a counsel has entered appearance on his side.

4. The learned Government Advocate for respondents submitted that pursuant to the complaint given by the petitioner, the respondents 1 and 2 have acted upon the same and had issued notice to the petitioner as well as third respondent with regard to the alleged fraudulent execution of the sale deed by the third respondent and enquiry is stated to be held on 16.03.2020. A copy of the proceedings dated 05.02.2020 of the second respondent has also been placed before this Court today, which reveals that the hearing date is fixed on 16.03.2020.

5. Since the first and second respondents have acted upon the complaint given by the petitioner, the only direction that can be issued by this Court is to direct the second respondent to dispose of the complaint of the petitioner dated 17.12.2013 by holding an enquiry and by passing final orders within a period of eight weeks from the date of enquiry i.e. on 16.03.2020 after giving sufficient opportunity to the petitioner as well as the third respondent.

6. With the aforesaid direction, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Registrar (Admin)
Villupuram District,
Villupuram.

2. The District Registrar (Admin)
Tindivanam District,
Tindivanam.

+1 cc to Mr.K.Gandhikumar advocate sr16975
+1 cc to the Government Pleader sr17763

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pvs (co)
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