

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16010 of 2020

and

WMP No.19923 of 2020

Bashira Bibi

...Petitioner

..Vs..

1 The Inspector General of Registration
Santhome, Mylapore,
Chennai- 600 004.

2 The District Registrar
Vridhachalam.

3 The Sub Registrar
Tittagudi,
Cuddalore District.

4 The Sub Registrar
Thozhuthur
Cuddalore District.

5 The Tahsildar
Taluk Office
Tittagudi.

6 Gopalraj

7 Kalavathi ...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent District Registrar, Vridhachalam to conduct an enquiry on notice to the parties about the registration of the sale deed in favour of the seventh respondent registered as Doc. No.1458 of 2019 by the 3rd

respondent - Sub Registrar, Tittagudi, as per the representation of the Petitioner dated 25.02.2020.

For Petitioner : Mrs.Hema Sampath
senior counsel for
Mrs.R.Meenal

For Respondents 1 to 4: Mr.T.M.Pappiah
Special Government Pleader

For Respondent-5 : Mr.E.Balamurugan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to conduct enquiry on the representation made by the petitioner on 25.02.2020 and to pass orders within the time frame fixed by this Court.

2. The case of the petitioner is that the subject property was originally owned by her husband and his family. The further case of the petitioner is that the sixth respondent abducted the husband of the petitioner and seems to have obtained a Power of Attorney from him on 11.08.2017 and the same was also registered on the file of the fourth respondent. A police complaint came to be filed on 24.10.2017 in this regard.

3. The further case of the petitioner is that the sixth respondent acted upon the Power of Attorney and had executed a sale deed in favour of the seventh respondent and presented it for registration before the third respondent. The petitioner immediately gave a complaint before the third respondent and the third respondent conducted an enquiry and passed an order refusing to register the sale deed presented for registration by the fifth respondent.

4. The further case of the petitioner is that two suits came to be filed by some third parties and the petitioner and her children have impleaded themselves as defendants in those suits and those suits are pending.

5. While so, the petitioner came to know that the sixth respondent had managed to get some order from the second respondent and a sale deed also seems to have been executed in Document No.1458 of 2019. The grievance of the petitioner is that she was not aware about any enquiry conducted by the second respondent and she was completely kept in dark with regard to the subsequent sale deed that is said to have been registered in Document No.1458 of 2019. The petitioner, therefore, made a

representation to the second respondent on 25.02.2020 calling upon the second respondent to conduct an enquiry and pass orders in accordance with law. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mrs.Hema Sampath, learned senior counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 1 to 4 and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the fifth respondent.

7. Mr.T.M.Pappiah, learned Special Government Pleader submitted that the complaint given by the second respondent will be enquired after giving an opportunity to the petitioner as well as respondents 6 and 7 and orders will be passed in accordance with law. The learned Special Government Pleader submitted that some time frame can be fixed by this Court to enable the second respondent to pass orders.

8. In view of the facts and circumstances of the case and also of the fact that the second respondent has taken cognizance of the complaint given by the petitioner, there shall be a direction to the second respondent to call the petitioner and respondents 6 and 7 for an enquiry. The second respondent shall conduct the enquiry after affording opportunity to the petitioner and respondents 6 and 7 and pass appropriate orders strictly in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that neither the third respondent nor the fourth respondent shall entertain any document for registration with respect to the subject property till final orders are passed by the second respondent. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and a copy of this order.

9. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

mra

To

1 The Inspector General of Registration
Santhome, Mylapore,
Chennai- 600 004.

2 The District Registrar
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Tittagudi,
Cuddalore District.

4 The Sub Registrar
Thozhuthur
Cuddalore District.

5 The Tahsildar
Taluk Office
Tittagudi.

+1 CC to M/S.R.Meena, Advocate on payment of necessary
charges SR.NO.37509

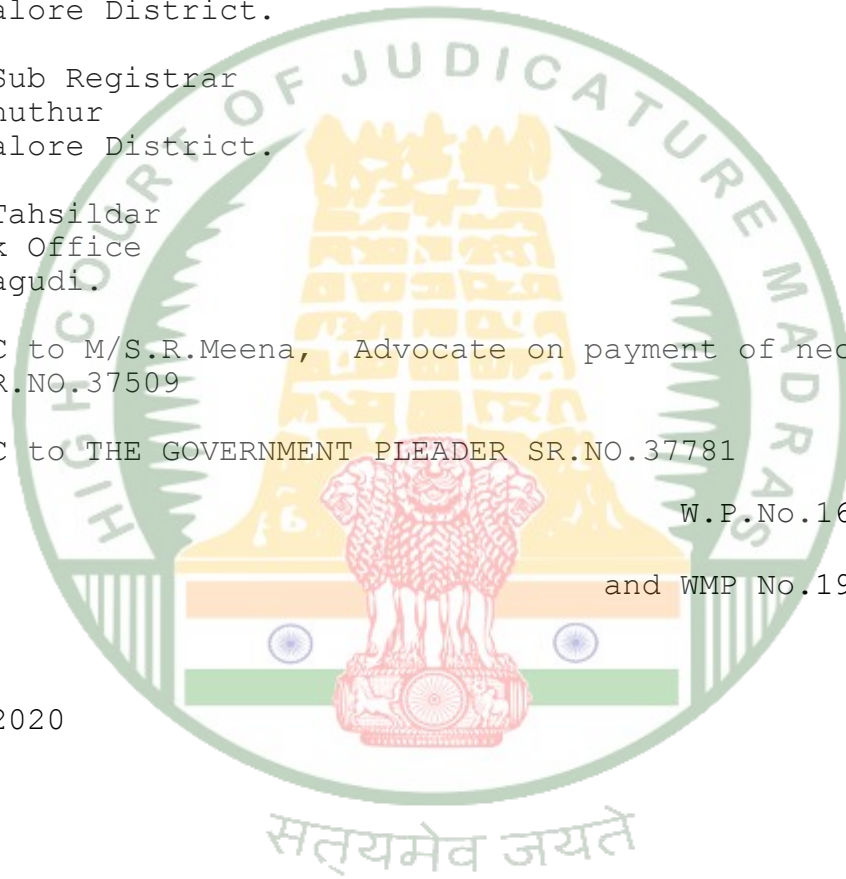
+1 CC to THE GOVERNMENT PLEADER SR.NO.37781

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SSD (CO)

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