

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18939 of 2020

T.V.Nagar Industrial Estate Owner's Association,
(Regn.No.195 of 2014)
Rep. by its President,
M.S.Venkatesan,
Plot No.3, T.V.Nagar, Mugalivakkam,
Chennai 600 089.

...Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

3.The Sub-Registrar,
Kundrathur,
Chennai 600 069.

4.K.Ramachandran,
S/o.(Late) T.Kannan,
Plot No.4, Door No.1/349,
Vinayagapuram, Mugalivakkam,
Chennai 600 116.

5.K.Parthiban,
S/o.(Late) T.Kannan,
Plot No.2, Kamaraj Street,
Mahalakshmi Nagar,
Selaiyur, Chennai 600 073.

6.G.Thirumurthy,
S/o.A.Ganapathy,
No.2/150, Perumal Koil Street,
Mugalivakkam, Chennai 600 125.

...Respondent

Prayer: This Petition filed under Article 226 of the
Constitution of India for issuance of Writ of Mandamus,

directing the 3rd respondent to cancel the sale deed dated 20.12.2019 registered as Document No.21157 of 2019 executed by K.Ramachandran and others in favour of G.Thirumurthy.

For Petitioner : Mr.R.Prabhakaran

For Respondents: Mr.E.Bala Murugan (for R1)
Special Government Pleader

Mr.T.M.Pappiah (for R2 & R3)
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the third respondent to consider the representation/complaint made by the petitioner association on 03.11.2020 and 24.11.2020 and to take action against the respondents 4 to 6 and also for a further direction to cancel the sale deed dated 20.12.2019.

2.Heard Mr.R.Prabhakaran, learned counsel for the petitioner; Mr.E.Bala Murugan, learned Special Government Pleader for R1 and Mr.T.M.Pappiah, learned Special Government Pleader for R2 and R3.

3.The case of the petitioner is that the brother of the fourth and fifth respondents sold the entire property by way of house site plots in a layout named as T.V.Nagar. The grievance of the petitioner association is that during October 2020, the private respondents alongwith some henchmen started blocking the pathway and obstructed the movement of the general public and they also damaged the road put up by the corporation. Immediately thereafter, a complaint was given and action was taken by removing the encroachment.

4.The petitioner association came to know that the private respondents have managed to get a sale deed registered before the third respondent on 20.12.2019 and have dealt with the pathway which was shown to be a pathway even in the approved layout. Aggrieved by the same, the petitioner association gave a complaint to the second and third respondents on 03.11.2020 to take action against the private respondents. Since the same was not considered, the present Writ Petition has been filed before this Court

5.Taking into consideration the facts and circumstances of the case and also the limited relief sought for in this Writ Petition, there shall be a direction to the third respondent to consider the representation/complaint made by the petitioner association on 03.11.2020 and 24.11.2020 and conduct an enquiry by affording an opportunity to the petitioner and the

respondents 4 to 6 and proceed further in accordance with Sections 82 and 83 of the Registration Act and pass final orders, within a period of 8 weeks from the date of receipt of a copy of this order. It is made clear that in so far as cancellation of the sale deed is concerned, the same is not within the jurisdiction of the respondents and the petitioner will have to necessarily challenge the same before the Competent Civil Court, if so advised. The petitioner association is directed to make a fresh representation to the third respondent alongwith all the relevant documents and also a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sai/pgp

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

3.The Sub-Registrar,
Kundrathur,
Chennai 600 069.

+2 Ccs to Mr.R.Prabhakaran, Advocate sr 41755

+1 CC to The Government Pleader sr 41977.

WEB COPY

W.P.No.18939 of 2020

PVS(CO)
SP(18/01/2021)