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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20923 of 2021

Dhanalakshmi

... Petitioner

Vs.

- 1.The State,
The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration (Chennai Zone),
O/o Deputy Inspector General of Registration
Industrial Estate Guindy now shifted to Nandanam,
Chennai.
- 3.The District Registrar,
South Registration District,
Now at Industrial Estate,
Guindy, Chennai 600 032.
- 4.R.Selvakumar
- 5.Lakshmi

... Respondents

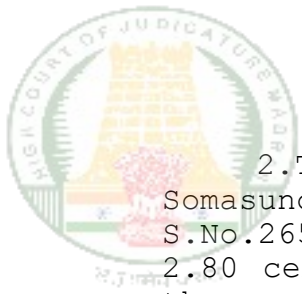
Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus to direct the 2nd respondent to complete the enquiry in the appeal dated 18.03.2019 filed by the petitioner and pass orders thereon in file No.1308/A1/2019 pending before the 2nd respondent within a time frame fixed by this Court.

For Petitioner : Mr.K.M.Balaji

For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the second respondent to complete the enquiry in appeal dated 18.03.2019 filed by the petitioner in File No.1308/A1/2019 pending before the second respondent within a time frame.



2.The case of the petitioner is that his father viz., Somasundaram had purchased a property in the year 1986 bearing S.No.265 (part) measuring 1.0 cent and in S.No.14/2 measuring 2.80 cents, situated at Mogalivakkam Village, Santhosh Nagar, the same was registered as Document No.451/1986 before the SRO, Alandur, totalling to 3.80 cents from one E.V.Perumalsamy, who was the Power Agent of the owner Panchalai Ammal.

3.The petitioner submits that there was error in the description of S.No.265 (part) and for that purpose a Rectification Deed in Document No.11076/2006 was also executed and the Survey Number was corrected as S.No.14/2 and from the date of purchase, his father's family members have been in peaceful possession and enjoyment of the property.

4.The petitioner further submits that the fourth respondent fabricated a false Sale Deed for sale of 600 sq.ft carved out the from the land in S.No.14/2 and executed the same as Document No.7853 of 2006 dated 12.06.2006 as though their property was sold to the vendor E.V.Perumalsamy who was the Power Agent of the owner Panchalai Ammal, the fourth respondent has cleverly mentioned in the name of the seller as E.V.Ramasamy Reddy.

5.According to the petitioner, the fourth respondent has executed a Sale Deed in favour of the fifth respondent in Document No.8156/2006 dated 24.07.2006 by with an extent of 600 sq.ft in S.No.14/2 bearing plot No.20 which was originally purchased by her father and the above said property belonged to her family was encumbered and the fourth respondent fabricated a false Sale Deed and sold an extent of 600 sq.ft. In Plot No.20, S.No.14/2 to the fifth respondent suppressing the above fact.

6.The petitioner submits that after the demise of her father on 03.01.2009, she along with other legal heirs inherited the above property, one Lakshmi filed a suit in O.S.No.48 of 2011 before the District Munsif Court, Sriperumbuthur for seeking permanent injunction against her and others which was dismissed on 02.11.2016 and they filed a suit in O.S.No.53 of 2016 against the said Lakshmi and two others praying for annulling the Sale Deeds in Document No.7853/2006 and Document No.8156/2006 which was decreed as prayed for.

7.The petitioner further submits that other legal heirs gave a representation dated 17.01.2017 to the third respondent and requested to cancel the Sale Deeds in Document No.7853/2006 and Document No.8156/2006 on the basis of the Court order in O.S.No.53 of 2016 but no action has been taken by the third respondent and hence, they have filed a writ petition in W.P.No.1425 of 2019, this Court on 24.01.2019 directed the third respondent to conduct an enquiry and pass



orders on the representation dated 17.01.2017 within a period of four weeks.

8. According to the petitioner, on 29.01.2019 the third respondent passed an order in his proceedings No.16068/A2/2018 directed the petitioner to file an appeal before the second respondent and on 18.03.2019 she filed an appeal before the second respondent, but the second respondent has not initiated any action till date in spite of their requests and representations.

9. The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

10. Heard, learned counsel for the petitioner and learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

11. In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the Official respondents to complete the enquiry in the appeal dated 18.03.2019 filed by the petitioner, in accordance with law after affording an opportunity to all the parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

12. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

pam/skr

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.

2. The Deputy Inspector General of Registration (Chennai Zone),
O/o. Deputy Inspector General of Registration,
Industrial Estate Guindy now shifted to Nandanam,
Chennai.



3.The District Registrar,
South Registration District,
Now at Industrial Estate,
Guindy, Chennai 600 032.

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+1cc to Mr.K.M.Balaji, Advocate SR.No.51004

+1cc to Government Pleader SR.No.51251

W.P.No.20923 of 2021

KG(CO)
GMY(26/11/2021)