



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9238 of 2021

and

W.M.P.(MD)No.6968 of 2021

WEB COPY

P.Arunachalam

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Tirunelveli Zone, Tirunelveli.

2.The District Registrar
Office of the District Registrar,
Tenkasi District.

3.The Sub-Registrar,
Vasudevanallur,
Sivagiri Taluk,
Tenkasi District.

4.R.Mariraj
5.M.Muthusamy
6.C.Ramalakshmi
7.M.Paramaguru
8.C.Balasubramanian
9.K.Arunachalam
10.S.Saroja
11.Chitra
12.K.Murugiah
13.Muthuselva

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 02.03.2020 and to take appropriate legal action against the fourth respondent consequently direct the third respondent not to register any document in relating to the property in S.No.300B/1E1 of Subamaniapuram Village, Sivagiri Taluk, Tenkasi District except under due process of law.

For Petitioner : Mr.V.Sasikumar

For R1 to R3 : Mr.P.Thillak Kumar,
standing Counsel for Government



ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents 1 to 3. Notice to the respondents 4 to 13 is dispensed with in view of nature of the order to be passed by this Court.

WEB COPY

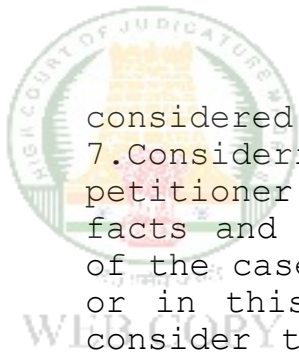
2.By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 02.03.2020 and to take appropriate legal action against the fourth respondent and consequently, direct the third respondent not to register any document relating to the property in S.No.300B/1E1 of Subamaniypuram Village, Sivagiri Taluk, Tenkasi District.

4.According to the petitioner, he has purchased a property in Survey No.300 B/E1, E2, E3 of Subramaniypuram Village, Sivagiri Taluk, Tenkasi District to an extent of 2 acres 11 cents from one Lakshmanan on 24.04.2000 as per the registered Document bearing No.348 of 2000 on the file of the third respondent and he is in possession and enjoyment of the said property. In Survey No.300 B/E1, one Kuppan Chettiar's name was found in the Patta inadvertently. Therefore, the petitioner approached the revenue officials for change of patta. But the petitioner's request was not considered so far. He further states that taking advantage of wrong entry, the respondents 5 to 9 executed a sale deed by a legal heir certificate, dated 09.12.2011 issued by the Village Administrative Officer, namely, Kalyanasundaram, in favour of the 10th respondent herein and the same has been registered by the third respondent as Document No.595/2019 on 25.03.2019. He further states that the fourth respondent who was the in-charge of the third respondent office on 25.03.2019 had registered the document without the production of Death Certificate, Legal Heirship Certificate by the competent authority of Kuppan Chettiar. Thereafter, the 10th respondent executed a sale deed in favour of the 12th respondent on 29.03.2019. Though the petitioner submitted a protest petition before the third respondent on 02.03.2020, the third respondent not to register any document. Since no action was taken by the third respondent, in this regard, the 12th respondent executed a sale deed in favour of the 13th respondent on 18.01.2021. Hence, the present Writ Petition came to be filed.

5.The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents 1 to 3 would state that the representation of the petitioner would be



considered within a reasonable time.

7.Considering the submissions of the learned counsel for the petitioner as well as the respondents 1 to 3 and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents 1 to 3 are directed to consider the representation of the petitioner dated 02.03.2020 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents 4 to 13 and any other persons who may be interested in the subject matter.

8.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

sjj

To:

1.The Deputy Inspector General of Registration,
Tirunelveli Zone, Tirunelveli

2.The District Registrar
Office of the District Registrar,
Tenkasi District.

3.The Sub-Registrar,
Vasudevanallur,
Sivagiri Taluk,
Tenkasi District.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-18782[F] dated 04/06/2021)

+1 CC to M/s.SPL GP (SR-18956[F] dated 07/06/2021)

W.P(MD)No.9238 of 2021

04.06.2021

GS (16.06.2021) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>