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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3736 OF 2022

AND

W.M.P.NO.3884 OF 2022

N.Devendran

... Petitioner

.Vs.

1. The District Registrar,
District Registrar Office,
Chennai South, Chennai.

2. The Sub Registrar Office,
1/71, 1st Floor,
Kajera Garden 2nd Street,
East Coast Road,
Neelankarai, Chennai.

3. P.Sridhar

4. K.M.Mustafa

5. K.Yadavakumar

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the first respondent that the date of execution and presentation dated 23.04.2001 of the Document bearing Registration No.4639/2007 is the date of Registration for effecting the sale of the schedule mentioned property based on the representation given by the petitioner dated 23.06.2021.

For Petitioner : Mrs.R.Jayasree

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
For R1 & R2



O R D E R

The petitioner has filed this petition seeking to direct the first respondent that the date of execution and presentation dated 23.04.2001 of the Document bearing Registration No.4639/2007 is the date of Registration for effecting the sale of the schedule mentioned property based on the representation given by the petitioner dated 23.06.2021.

2. The case of the petitioner is as follows:

(i) The petitioner purchased the property measuring about 760 Sq.ft in Plot No.5, Survey No.168/2, No.135, Okiyam Thuraipakkam Village by way of a sale deed executed by the third respondent in his favour on 23.04.2001. Though the sale consideration was fully received by the third respondent, the document was kept pending before the second respondent. The petitioner sent several representations to the second respondent to hand over the document. As there was no response from the second respondent, the petitioner approached this Court by way of a writ petition in W.P.No.19137 of 2015 and this Court directed the second respondent to consider the representation submitted by the petitioner. Thereafter, the second respondent handed over the original document in the month of September 2015, to the petitioner. The petitioner was shocked to find that the document has been allotted the number as 4639/2007, though the document was presented for registration on 23.04.2001 itself.

(ii) The petitioner was further shocked to see the entries reflected in the encumbrance certificate that the third respondent fraudulently sold the said property to the fourth respondent who in turn, sold the property to the fifth respondent. Since the fifth respondent has started construction in the said property, the petitioner sent a representation to the first and second respondents dated 23.06.2021, to conduct proper enquiry into the dispute and declare him as an absolute owner of the said property. Since no action was forthcoming from the official respondents, the petitioner is before this Court by way of this writ petition.

3. Heard, the learned counsel appearing for the petitioner, and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case and the limited request made by the petitioner, this Court directs the first and second respondents to consider the representation



made by the petitioner dated 23.06.2021 and pass orders on merits and in accordance with law, after affording opportunity to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

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5. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rli

To

1. The District Registrar,
District Registrar Office,
Chennai South, Chennai.
2. The Sub Registrar Office,
1/71, 1st Floor,
Kajera Garden 2nd Street,
East Coast Road,
Neelankarai, Chennai.

+1cc to the Government Pleader, S.R.No.15501

W.P.NO.3736 OF 2022 AND
W.M.P.NO.3884 OF 2022

NMI (CO)
PBS/28/04/2022