

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4453 of 2022

N.Anwar Basha

...Petitioner

Versus

1.The Inspector General of Registration  
Santhome High Road,  
Foreshore Estate,  
Chennai - 600 028.

2.The Sub Registrar,  
Royapuram,  
Chennai - 600 013.

3.Ameer Bi

...Respondents

Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the second respondent to consider and dispose of the petitioner's representation dated 03.09.2021in accordance with law.

For Petitioner : Mr.K.N. Nataraaj

For Respondents : Mr.Yogesh Kannadasan  
Spl. Govt. Pleader  
for R1 & R2

ORDER

The relief sought for in this writ petition is for a direction to the second respondent to consider and dispose of the petitioner's representation dated 03.09.2021.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 and 2. Since no adverse orders is going to be passed against R3, notice to the R3 is dispensed with.

3. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel

appearing for either side, this petition is taken up for final disposal.

4. The case of the petitioner is that originally the property bearing Door No.33, New No.87, Muthial Maistry Street, Lalagunta, Old Washermenpet, Chennai - 600 021 belongs to one Ameena Bi, the third respondent herein and thereafter it was registered in the name of the petitioner vide Document No.882/1982, dated 20.05.1982 on the file of SRO, Royapuram, however, possession of the said property was held by the third respondent. While so, the petitioner's vendor viz., Ameena Bi filed a suit for bare injunction in the year 1984, which was decreed in 1988. Assailing the same, the rival parties preferred appeal in A.S. No.711 of 1988 and the same was allowed. As against the decree and judgment in A.S. No. 711 of 1988, the petitioner's vendor preferred S.A. No.1300 of 2001, which was dismissed on 13.03.2019 on the ground that having sold the property to the petitioner, the vendor has no locus standi to institute any suit. That being so, taking advantage of the dismissal of the bare injunction suit, the third respondent registered various documents consisting of 86 pages registered on the file of the second respondent. Aggrieved by the same, the petitioner submitted a representation dated 03.09.2021 to the respondents 1 and 2, but the same has not been considered. Hence, the present writ petition.

5. Learned counsel appearing for the petitioner submitted that no transfer of title has been effected till date, whereas the respondents 1 and 2 are registering the documents without considering the petitioner's representation, dated 03.09.2021. Therefore, he prays for a direction to the respondents 1 and 2 to consider the petitioner's representation and to conduct an enquiry thereof.

6. Learned Special Government Pleader appearing for the respondents 1 and 2 has no objection for issuing such a direction to the respondents 1 and 2.

7. In the light of the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner to submit a copy of the representation dated 03.09.2021 along with the order passed by this Court, to the respondents 1 and 2, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 and 2 are directed to consider it and pass orders on merits and in accordance with law, as expeditiously as possible after affording opportunity of hearing to all the parties concerned.

8. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Inspector General of Registration,  
Santhome High Road,  
Foreshore Estate,  
Chennai - 600 028.

2.The Sub Registrar,  
Royapuram,  
Chennai - 600 013.

+1cc to Mr.K.N.Nataraj, Advocate, S.R.No.14082

+1cc to the Government Pleader, S.R.No.15032

W.P.No.4453 of 2022

PA(CO)  
RVM(24/03/2022)