



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4672 of 2022

and

W.M.P.No.4792 of 2022

Boodhakeni Residents Welfare Association,
Represented by its Secretary,
S.M.M.Anwar Ali

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Chidambaram Registration District,
Chidambaram - 608 001.

2. Sub Registrar-I,
Chidambaram,
Cuddalore District.

3. Sub Registrar-II,
Chidambaram,
Cuddalore District.

4. M.Fathima Nachiar

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue Writ of Mandamus or any other appropriate Writ, order or direction in the nature of writ, directing the respondents 1 to 3 to register the valid documents submitted in respect of land in S.No.73/1, 73/2, 78/2, 79/2, 80/1 and 81/1 Pallipadai Village, Chidambaram Taluk, Cuddalore district belong to the members of Petitioner Association without reference to any objection from the 4th respondent and on removal of any objection entry in the Guideline Register, in consideration of representation submitted by the petitioner Association dated 10.01.2022.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader



O R D E R

Writ Petition has been filed to direct the respondents 1 to 3 to register the valid documents submitted in respect of land in S.No.73/1, 73/2, 78/2, 79/2, 80/1 and 81/1 Pallipadai Village, Chidambaram Taluk, Cuddalore district belong to the members of petitioner Association without reference to any objection from the 4th respondent and on removal of any objection entry in the Guideline Register, in consideration of representation submitted by the petitioner Association dated 10.01.2022.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 to 3.

3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The case of the petitioner is that the petitioner association has been formed with laudable object of protecting the interest of its members, who are the residents of Boodhakeni hamlet within the limit of Pallipadai Village, Chidambaram Taluk, Cuddalore District. The property in S.No.73/1 belongs to individual pattathars to the extent stated in the revenue records and individual members have been granted with Ryotwari patta. When the dispute arose at the instance of Shavilajat Fakir Dargah, the same was settled as per the orders passed by Principal Subordinate Judge and Inams Tribunal in I.A.T. Appeal No.33 of 1970 dated 20.03.1974, as per which the order of Settlement, Tahsildar was quashed and Ryotwari patta was ordered to be granted to the appellants by the Appellate authority, by rejecting the claim of Dargah in respect of properties in S.No.73/1, 73/2 and 80/1 in favour of one Sheik Alauddeen and Hathija Bivi.

5. While being so, the 4th respondent Fathima Nachiar claiming to be the Muthavalli of Shavilajat Fakir Dargah filed writ petition before this Court in W.P.No.2566 of 2017 by claiming that certain lands in Pallipadai Boodhakeni Village belong to Dargah and this Court by its order dated 02.02.2017 issued direction to the respondents to consider the representation submitted by 4th respondent after giving notice. Against which, one S.M.Anwar Ali filed a Writ Appeal No.2947 of 2019 by disclosing the entire facts on the premises that the order in the Writ petition was obtained without including the proper party, owner of the land and in suppression of material facts and the same is pending. Thereafter, the 4th respondent forwarded letter to the 1st respondent objecting the registration of lands in various survey numbers as if the said lands belonging to Dargah by referring to the orders passed in



W.P.No.2566 of 2017 and the same is pending subject to the matter of W.A.No.2947 of 2019, and the same is pending.

6. Apart from that the 4th respondent had also forwarded a letter to the Registration Department viz., Respondents 1 to 3 not to register any document relating to the property which is evident from the communication issued by the 2nd respondent addressed to the petitioner Association dated 25.01.2021. When the petitioner Association submitted representation to Chief Minister Grievance Cell against the action of the Registration Department in registering document, it was informed by the respondents that a representation was received not to register any document in respect of the subject properties. Therefore, the petitioner Association made a representation against the action of the Registration Department, not entertaining any registration of documents, to the first respondent for entertaining registration of document on 10.01.2021. However, till date, the same have not been considered. Hence, the present petition has been filed seeking the aforesaid relief.

7. Though very many grounds have been raised, Mr.G.Sankaran, learned counsel appearing for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to consider the petitioner Association representation dated 10.01.2022 and dispose of the same in accordance with law within a particular time frame fixed by this Court.

8. The learned Special Government Pleader appearing for the respondents 1 to 3 has no objection to the said order being passed.

9. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner Association representation dated 10.01.2022 on merits and in accordance with law and pass appropriate orders after providing opportunity to the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

10. Accordingly, this writ petition is disposed of with the aforesaid direction. Accordingly, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



rgi/nhs

To

1. The District Registrar,
Registration Department,
Chidambaram Registration District,
Chidambaram - 608 001.

2. The Sub Registrar-I,
Chidambaram,
Cuddalore District.

3. The Sub Registrar-II,
Chidambaram,
Cuddalore District.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.14868

+lcc to the Government Pleader, S.R.No.15031

W.P.No.4672 of 2022
and W.M.P.No.4792 of 2022

GPL (CO)
SB(25/03/2022)