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W.P.No.3015 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.3015 of 2013
and M.P.No.1 of 2013

V.K.Sigamani

... Petitioner

Vs.

1.The District Registrar,
South Chennai Registration District,
Saidapet, Chennai – 600 015.

2.The Sub Registrar,
Tambaram Sub Registration District,
Tambaram, Chennai 600 045.

3.T.Karunakaran

4.T.Kirupakaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 26.10.2012 and reckon the market value of the property which are house sites measuring 11,246 sq.ft at plot Nos.11,12,13,14 and 15 of Vigneswarapuram Lay Out in S.No.26/1 and 26/2B/A situated No.182, Sithalapakkam Village, Tambaram Taluk, South Chennai Registration district, Tambaram Sub Registration District, Kancheepuram District bounded on the North by : 30 feet road South by : Survey No.26/2A East by : Tar Road and West by : Plot No.10 Vigneswarapuram lay out as on the date of the sale agreement i.e., 22.03.2006 for execution of the sale deed to be executed through the Hon'ble



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District Court at Chengalpet in E.P.No.8 of 2011 in O.S.No.338 of 2009.

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For Petitioner : Mr.P.V.Balasubramanian
for M/s.BFS Legal

For Respondent 1 & 2 : Mr.D.Ravichandren,
Special Government Pleader

For Respondent 4 : Mr.D.Ashok Kumar

ORDER

The petitioner has filed this petition seeking direction to the respondents to consider the representation dated 26.10.2012 and reckon the market value of the property which are house sites measuring 11,246 sq.ft at plot Nos.11,12,13,14 and 15 of Vigneswarapuram Lay Out in S.No.26/1 and 26/2B/A situated No.182, Sithalapakkam Village, Tambaram Taluk, South Chennai Registration district, Tambaram Sub Registration District Kancheepuram District bounded on the North by : 30 feet road South by : Survey No.26/2A East by : Tar Road and West by : Plot No.10 Vigneswarapuram lay out as on the date of the sale agreement i.e., 22.03.2006 for execution of the sale deed to be executed through the Hon'ble District Court at Chengalpet in E.P.No.8 of 2011 in O.S.No.338 of 2009.

2. Since no adverse order is being passed against the respondents 3 and



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4, notice to respondents 3 and 4 is dispensed with.

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3. The case of the petitioner is that the petitioner entered a Sale Agreement with the respondents 3 & 4 for a land measuring to an extent of 11,246 Sq.ft at Plot Nos.11,12,13,14 and 15 of Vigneswarapuram Lay out in S.No.26/1 and 26/2B/A situated at No.182, Sithalapakkam Village, Tambaram Taluk, South Chennai Registration, Tambaram Sub Registration, Kancheepuram bounded on the North by 30 Feet Road, South by Survey No.26/2A, East by Tar Road, and West by Plot No.10 Vigneswarapuram Lay out for a sale consideration of Rs.22,50,000/- and paid an advance of Rs.4,50,000/-. However, the respondents 3 & 4 have not come forward to execute a sale deed in favour of the petitioner. Therefore, the petitioner has filed O.S.No.335 of 2009 before the District Court at Chenglepet and the said suit was decreed on 18.10.2010. Thereafter, the petitioner has filed E.P.No.8 of 2011 in O.S.No.335 of 2009 and the same was pending execution. This being so, the petitioner has made a representation dated 26.10.2012 before the respondents for initiating 47(A) proceedings along with all necessary documents. On receipt of the same, the respondents have initiated 47(A) proceedings. However, till date, the said proceedings was not concluded.



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Hence, the writ petition.

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4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 26.10.2012 and to conclude the pending 47(A) proceedings and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed on record.

7. Considering the limited request made by the learned counsel for the



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petitioner, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 26.12.2012 and conclude the 47(A) proceeding initiated, if not concluded already and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, including the respondents 3 & 4, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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2. The Sub Registrar,
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Tambaram, Chennai 600 045.

M.DHANDAPANI,J.

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