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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8460 OF 2022

M/s.Gomuki Spinning Mills(P) Ltd.,
Represented by its, The Managing Director,
S.Subramaniam

... Petitioner

Vs.

1.The District Registrar,
Office of The District Registrar,
Neruperichal,
Poolvapatti Post,
Tiruppur District.

2.The Sub-Registrar ,
Uttukuli,
Tiruppur District.

3.K.Easwaran
4.E.Loganathan
5.E.Ramesh
6.S.Savithri
7.K.Sakthikala
8.D.Lakshmi
9.K.Subramaniam
10.S.Rajasekar
11.S.Yogaeswari
12.S.Arumugham
13.A.Karthi
14.A.Ravikumar
15.S.Shanthamani
16.E.Thangamani
17.S.Ammasaiakkal
18.A.Visalatachi
19.C.Maheswari
20.N.Duraisamy
21.J.Gomathi

... Respondents



Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the petition dated 16.02.2022 filed by the petitioner under Section 82, 83 of Registration Act.

For petitioner : Mr.K.Myilsamy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
(for R.1 & R.2)

ORDER

The petitioner has filed this petition seeking direction to the first respondent to dispose of the petition dated 16.02.2022 filed by the petitioner under Section 82, 83 of Registration Act.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 & 2. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the respondents 3 to 21, notice to the respondents 3 to 21 is dispensed with.

4. The case of the petitioner is that the petitioner company is the owner of the property comprised in Survey No.99/2, measuring an extent of 12.35 Cents, situated at Mugasi Pallagoundanpalayam Village, Uttukuli Taluk, Tiruppur District. The petitioner company has also mortgaged the said property to the banker to meet out expenses of the company. Thereafter, one Kaithmalai Pandram owned a land measuring an extent of 0.29 1/2 cents comprised in S.No.39 (Resurvey No.99/3), which is situated in adjacent to petitioner's land, by a registered Sale Deed dated 27.05.1981, bearing document No. 661 of 1981 on the file of The Sub Registrar, Uttukuli, Tiruppur District. The said Kaithmalai Pandram died intestate and his legal heirs sold the property to respondents no.20, 21 by incorporating the petitioner's company property. Hence, the petitioner/company filed a petition dated 16.02.2022 before the first respondent to take appropriate action against the private respondents. However, till date no action has been taken by the first



respondent on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

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5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issue direction to the first respondent to dispose of the petition filed by the petitioner dated 16.02.2022 within the time frame that may be fixed by this Court.

6. The learned Special Government Pleader appearing for the respondents submits that the petitioner/company has inadvertently filed the petition dated 16.02.2022, before the first respondent under Section. 82, 83 of the Registration Act instead of filing the petition under Section 68(2) of the Registration Act, which is not sustainable.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to file a fresh application under Section.68(2) of the Registration Act, before the first respondent within a period of two weeks from the date of receipt of a copy of this order. If such an application is filed, the first respondent is directed to pass appropriate orders within a period of twelve weeks, after affording an opportunity to the respondents no.3 to 21.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tri/mn

To

1. The District Registrar,
Office of The District Registrar,
Neruperichal,
Poolvapatti Post,
Tiruppur District.



2. The Sub Collector,
Uttukuli,
Tiruppur District.

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+1cc to Mr.K.Myilsamy, Advocate, S.R.No.23594
+1cc to Government Pleader, SR.NO.24158

W.P.No.8460 of 2022

PL (CO)
PM/22/04/2022