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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.9949 OF 2022

AND

W.M.P.NO.9673 OF 2022

A.K.Aajeem

... Petitioner

.Vs.

1. The District Registrar (Administration),
(subordinate level),
Vellapadi, Vellore,
Vellore District.
2. The Sub Registrar,
Sub Registrar Office,
Tirupattur.
3. V.Rajendran
4. R.Amudha
5. J.Ambika
6. R.Jamuna
7. J.Lakshmi

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to complete the enquiry and pass suitable orders on the petitioner's petition in Na.Ka.No.51/E3/2021 dated 04.01.2022 on the file of the first respondent for cancellation of the fraudulent sale deeds created with respect to the property situated in 10A, Arasamaram Street, B Division, 2nd ward, Block No:17, T.S.No.1564, in Tirupattur town, Vellore District by Registered Doc Nos:11688/2011, 13709/2011 on the file of the Joint Sub Registrar Tirupattur, and Registered Doc No:8227/2014 on the file of the Sub Registrar Tirupattur.



For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

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O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent herein to complete the enquiry and pass suitable orders on the petitioner's petition in Na.Ka.No.51/E3/2021 dated 04.01.2022 on the file of the first respondent for cancellation of the fraudulent sale deeds created with respect to the property situated in No.10A, Arasamaram Street, B Division, 2nd ward, Block No:17, T.S.No.1564, in Tirupattur town, Vellore District, by Registered Doc Nos:11688/2011, 13709/2011 on the file of the Joint Sub Registrar Tirupattur, and Registered Doc No:8227/2014 on the file of the Sub Registrar Tirupattur.

2. The case of the petitioner is that the petitioner's mother filed a Suit in O.S.No.64/1999 on the file of the Sub Court Tirupattur, which was transferred to III Additional District Court, Tirupattur, and was re-numbered as O.S.No.11/2005, for specific performance of the agreement dated 17.12.1998 with respect to the aforesaid property. After the demise of the petitioner's mother, the petitioner as well as his brother and two sisters have been brought on record. The said Suit was dismissed on 31.10.2007. Challenging the same, the petitioner along with his brother and two sisters, filed an appeal before this Court in A.S.No.709 of 2008, which was allowed by granting a decree for specific performance. Further, the Execution Petition was disposed of on 30.08.2013 in favour of the petitioner as well as his brother and his two sisters. Thereafter, the petitioner is in possession of the property, and he is also paying the property tax to the Municipality. That being the case, the original owner S.Vijaya created sale deeds and executed in favour of the private respondents. Therefore, the petitioner has made a complaint before the respondents dated 03.01.2022 for cancellation of the alleged fraudulent document executed by the private respondents. Pursuant to the said complaint, the first respondent initiated proceedings by issuing enquiry notice dated 04.01.2022. However, the said enquiry was not concluded. Further, the petitioner made representation on 09.03.2022 before the first respondent, and requested for information regarding the enquiry and another representation dated 30.03.2022, seeking to cancel the fraudulent sale deeds created with respect to the aforesaid property. However, till date, no order has been passed on the same by the first



respondent. Hence, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the first respondent to conclude the enquiry notice dated 04.01.2022 based on the petitioner's representations dated 09.03.2022 and 30.03.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

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

5. The learned Special Government Pleader appearing for the respondents 1 and 2 has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the first respondent to conclude the enquiry notice dated 04.01.2022 based on the petitioner's representations dated 09.03.2022 and 30.03.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

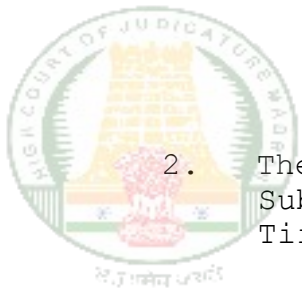
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Sub Assistant Registrar

jd/rap

To

1. The District Registrar (Administration),
(subordinate level),
Vellapadi, Vellore,
Vellore District.



2. The Sub Registrar,
Sub Registrar Office,
Tirupattur.

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+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.27902
+1cc to the Government Pleader, S.R.No.28890

W.P.NO.9949 OF 2022 AND
W.M.P.NO.9673 OF 2022

RGN(CO)
PBS/20/05/2022