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W.P.No.4847 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.4847 of 2015

A.Xavier Chandar

... Petitioner

VS.

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai – 600 004.

2.The District Registrar (Admn),
Panagal Maaligai,
No.9, Jeenis Road,
West Saidapet, Chennai – 600 015.

3.The Sub-Registrar,
Sub-Registrar's office,
Kunrathur, Chennai.

4.Menila Rani

5.P.Sharmila

6.D.Thyagarajan

7.Praba Theesh

8.Pooji Babu

... Respondents

(R4 to R8 are impleaded as per the order dated
19.03.2015 in M.P.No.1 of 2015 in W.P.No.4847 of 2015)

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Mandamus, directing the 2nd respondent to consider



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the representation of the petitioner dated 07.01.2015.

For Petitioner : Mr.Kumarasamy

For Respondents : Mr.E.Vijay Anand for RR1 to 4
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 2nd respondent to consider the representation of the petitioner dated 07.01.2015.

2.The case of the petitioner is that the property in Plot Nos.18, 19 and 20 in S.F.No.173 & 175 situated at Porur Village, Chennai and other properties at Trichy was originally purchased by one Nambikkaimeri Ammal, who is aunt of the petitioner. The said Nambikkaimeri Ammal executed a Will dated 16.05.1977 in favour of the petitioner and his brothers and sisters and the same was duly registered. While so, the petitioner's father filed a Probate in O.P.No.177 of 1985 before the learned District Judge, Trichirappalli, since, one Kulandai Ammal claims to the properties by virtue of the unregistered Will dated 16.11.1982. As per the order dated 09.02.1987, the said Probate was converted into a suit and was transferred to learned Ist Additional District Munsif, Trichirappalli and taken on file in O.S.No.3294 of 2004 and the same was decreed in favour of the petitioner vide order dated



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28.01.2011. Aggrieved over the said judgment and decree, the said Kulandai Ammal filed C.R.P.No.1172 of 2011 before the Madurai Bench of Madras High Court raising the jurisdiction of the trial Court and this Court vide order dated 12.12.2014 allowed the petition. While the said suit was pending, daughter of the said Kulandai Ammal/ 4th respondent executed a registered Settlement Deed in Doc.No.12284 of 2011 dated 15.11.2011 before the SRO Kundrathur in favour of her daughter/ 5th respondent. The 5th respondent entered into a Sale Agreement with one Pugalendi on 06.05.2014, registered as Doc.No.7139 of 2014 on the file of the 3rd respondent and sold two plots in Plot No.18 & 19 in favour of the 6th & 7th respondents by virtue of Sale Deed in Doc.No.19813 & 19814 of 2014 dated 26.12.2014. Further, the said 5th respondent sold another plot, in plot No.20 by virtue of Sale Deed in Doc.No.243 of 2015. Hence, the petitioner made a representation dated 07.01.2015 to the 1st and 2nd respondents to cancel the above said sale deed by invoking the Circular No.67 dated 03.11.2011, but, till date the same was not considered and hence, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the petitioner submits that the petitioner made a representation dated 07.01.2015 to the 1st and 2nd



respondents, in view of the circular issued by the 1st respondent in Circular No.67 dated 03.11.2011. However, the said circular was withdrawn by the Government in pursuant to the order passed by this Court. The learned counsel for the petitioner further submitted that in view of the above, this Court may dispose the Writ Petition, granting liberty to the petitioner to file a fresh representation to the authority in terms of the Section 77A of the Registration Act, 1908.

4.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5.Considering the above facts and circumstances, in view of the Section 77A of the Registration Act, the prayer in this Writ Petition to consider the petitioner's representation dated 07.01.2015, in view of the circular issued by the 1st respondent in Circular No.67 dated 03.11.2011 and the learned Additional Government Pleader fairly conceded, that the said circular was withdrawn by the Government in pursuant to the order passed by this Court. Recording the same, this Writ Petition is disposed granting liberty to the petitioner to work out his remedy in the manner known to law. No



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costs. Consequently, connected miscellaneous petitions are also closed.

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Index : Yes/No
Speaking Order : Yes/No
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