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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.9701 of 2022

R.Sampath Kumar

...Petitioner

vs.

1. The District Registrar,
No.1/3, Vignesh Complex,
Ground Floor,
PN Road,
Tirupur - 641 602.

2. Sub Registrar,
No.1/3, Vignesh Complex,
Ground Floor,
PN Road,
Tirupur - 641 602.

3. P.Bakthavatsalam

4. P.Sathiavathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first and second respondents to forthwith consider and pass orders on the representation of petitioner dated 29.12.2021 in accordance with law in a time bound manner.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for an issuance of a writ of Mandamus to direct the first and second respondents to forthwith consider and pass orders on the petitioner's representation dated 29.12.2021.



2. Since no adverse order has been passed against the private respondents notice to the private respondents is dispensed with.

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3. The case of the petitioner is that the petitioner's father one K.A.Rathinam is the owner of the property comprised in Plot 21, Survey No.392, Chettipalayam Village, Tirupur, admeasuring 3200 sq.ft. Thereafter, the 3rd respondent in order to grab the said property, created forged documents and registered a settlement deed in favour of 4th respondent i.e., his wife on 08.09.2020. While that being so, the petitioner's father died on 17.11.2020. However, the petitioner being the legal heir of said K.A.Rathinam, made an application / representation before the 1st respondent dated 29.12.2021 for cancellation of the fraudulent settlement deed executed by the 3rd respondent in favour of the 4th respondent. Since the same was not considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 and 2 to consider the petitioner's representation dated 29.12.2021 and pass orders on merits within a particular time frame to be fixed by this Court.

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

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondents 1 and 2 to consider the said representation of the petitioner dated 29.12.2021 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. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 1 and 2 to decide the same at the time of disposing of the said



representation purely on merits.

8. With the above observations and direction, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
No.1/3, Vignesh Complex,
Ground Floor,
PN Road,
Tirupur - 641 602.

2. The Sub Registrar,
No.1/3, Vignesh Complex,
Ground Floor,
PN Road,
Tirupur - 641 602.

+1cc to Mr.S.Ramesh, Advocate, S.R.No.27079

+1cc to the Government Pleader, S.R.No.28007

W.P.No.9701 of 2022

MT (CO)
SU(12/05/2022)