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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.9714 OF 2022

T.Vasanthi

...Petitioner

vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai - 600 028.
2. The District Collector,
O/o District Collectorate,
Chengalpattu,
Chengalpattu District.
3. The Sub Registrar,
O/o Sub Registrar Office,
Guduvancherry,
Chengalpattu Distrcit.
4. Commissioner of Police,
Tambaram Police,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai - 600 119.
5. Sundrammal
6. Saravanan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1 to 3 respondents to consider the petitioner's representation dated 08.04.2022 and consequently directing the 5th respondent not alienate the property bearing in survey old No.379/2b, New Survey No.488/13 in Patta No.47 total extent of 7.5 cents, at Chengalpattu District, Vandalur Taluk, Ponmor Village in favour of any 3rd party till pending disposal of O.S.No.203/2020 on the file of District principal Judge at Chengalpattu.



For Petitioner : Mr.T.I.Ramanathan for Mr.S.Vellidoss

For Respondents : Mr.Yogesh Kannadasan
SPECIAL Government Pleader for RR1 to 4

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ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 08.04.2022 and consequently direct the fifth respondent not to alienate the property bearing old survey No.379/2b, New Survey No.488/13 in Patta No.47 total extent of 7.5 cents, at Chengalpattu District, Vandalur Taluk, Ponmor Village, in favour of any 3rd party, till the pending of the Suit in O.S.No.203 of 2020 on the file of District Principal Judge at Chengalpattu.

2. Since no adverse order has been passed against the private respondents, notice to the private respondents namely respondents 5 and 6, is dispensed with.

3. The case of the petitioner is that her father one Arumugam purchased the above said property situate in the said Village. After his demise, his legal heirs were in possession of the said property. Thereafter, the sixth respondent, in order to alienate the property, attempted to sell it to some third parties. While so, the petitioner filed a Suit for partition in O.S.No.203 of 2020 and the same is pending on the file of Principal District Court, Chengalpattu. Thereafter, the petitioner made several representations to the respondents 1 to 3, the last of which on 08.04.2022, to cancel the patta No.47 and issue a joint patta in favour of the legal heirs of said Arumugam and consequently sought for a direction to the sixth respondent not to alienate the said property in favour of third parties. Since the same was not considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. The learned counsel for the petitioner submitted that, though the first and third respondents have no power to entertain the complaint made by the petitioner, dated 08.04.2022, however, it is sufficient if this Court issues direction to the second respondent to forward the petitioner's complaint / representation dated 08.04.2022, to the concerned Tahsildar, upon production of Legal Heirship Certificate, for cancellation of Patta in Patta No.47 and re-issue joint Patta in favour of the legal heirs of the said Arumugam and pass orders on the said representation / complaint within a stipulated time that may be fixed by this Court.



5. The learned Special Government Pleader appearing on behalf of the respondents 1 to 4 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. Considering the limited prayer sought for by the petitioner and without going into the merits of the case, this Court issues direction to the second respondent to forward the petitioner's representation / complaint dated 08.04.2022 to the concerned Tahsildar, upon production of the Legal Heirship Certificate for issuance of joint patta in favour of legal heirs of said Arumugam, along with a copy of this order and the said Tahsildar in turn shall 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 herein, within a period of twelve weeks from the date of receipt of the copy of this order.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai - 600 028.
2. The District Collector,
O/o District Collectorate,
Chengalpattu,
Chengalpattu District.
3. The Sub Registrar,
O/o Sub Registrar Office,
Guduvancherry,
Chengalpattu District.



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4. Commissioner of Police,
Tambaram Police,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai - 600 119.

+1cc to Mr.S.Vellidoss, Advocate, S.R.No.27509
+1cc to the Government Pleader, S.R.No.28008

W.P.No.9714 of 2022

GMR (CO)
PM/19/05/2022