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W.P.No.1168 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1168 of 2018

Arulmigu Mariamman Temple

Represented by its

Chairman of Board of Hereditary Trustee/Poojari,

C.R.Thirupathi Gounder,

Avadhanapatti Village, Agraharam Post,

Krishnagiri Taluk & District.

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.Inspector General of Registration,
Santhome,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
O/o.Salem Zonal Registrar Office,
Collectorate Building,
Salem – 636 001.

3.The District Registrar (Admn.),
O/o.District Registrar,
Krishnagiri District.

4.Venkatammal

5.Veerammal

(R5 impleaded vide order dated

04.06.2019 made in W.M.P.No.4879/2018

in W.P.No.1168 of 2018)

... Respondents



W.P.No.1168 of 2018

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the 2nd and 3rd respondents to make an enquiry relying upon the fraudulent documents executed by the 4th respondent and to prosecute according to Section 83 of Registration Act, 1908 within stipulated period fixed by this Court.

For Petitioner : No appearance

For RR1 to 3 : Mr.Yogesh Kannadasan
Special Government Pleader

For RR4 & 5 : No appearance

ORDER

This petition has been filed for issuance of writ of Mandamus to direct the respondents 2 and 3 to make an enquiry relying upon the fraudulent documents executed by the fourth respondent and to prosecute according to Section 83 of Registration Act, 1908 within stipulated period fixed by this Court.

2. When the matter is taken up for hearing, there is no representation on behalf of the petitioner. Though notice was served on the respondents 4 and 5, no one appeared on behalf of them. Since no adverse order is being passed against the Respondents 4 and 5, their appearance is dispensed with.



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3. The case of the petitioner is that the petition mentioned temple property was initially belongs to one Puttan @ Venkataraman (Late), S/o.Kurudan @ Pachamuthu. Later on 04.03.1999, the said Puttan @ Venkataraman and the fourth respondent herein have sold the said property to one Ravi, S/o.Dharmaraj, which was later on 17.05.2001 sold to the petitioner-Temple in favour of Muniappa Gounder. While so, on 27.09.2007, the fourth respondent along with Puttan @ Venkataraman have sold the same property fraudulently to one Veerammal/fifth respondent, W/o.Ganesan vide Doc.No.3017/2007. Hence, the petitioner has made a representation dated 24.04.2014 to the second respondent to cancel the fraudulent document executed by the fourth respondent and to prosecute the same as per Section 83 of the Registration Act, 1908, who in turn, had forwarded the same to the third respondent to take necessary action. Since no order was passed by the third respondent, the present writ petition has been filed.

4. Considering the fact that the writ petition was pending from the year, 2018, this Court is inclined to dispose of this writ petition with the materials available on record.



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5. The learned Special Government Pleader appearing for the official respondents has no objections for the said order being passed and he submitted that appropriate order will be passed on the representation submitted by the petitioner-Temple within a stipulated time frame.

6. In view of the above, this Court without expressing any opinion on the merits of the case directs the third respondent/District Registrar to consider the representation of the petitioner-Temple dated 24.04.2017 on merits and in accordance with law, after affording an opportunity of personal hearing to the respondents 4 and 5 and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

14.06.2022

Index : Yes/No
Internet : Yes/No
Speaking / Non speaking order
rsi



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To

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M.DHANDAPANI,J.

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