



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10402 OF 2022

W.M.P.NOS.10123 AND 10124 OF 2022

1. P.R.Panchatcharam

2. P.P.Baskar

... Petitioners

Vs.

1. The District Registrar (Admn),
(In the grade of Asst. Inspector General of Registration)
O/o.The District Registrar-North Chennai,
Kuralagam Main Building, I Floor,
Broadway, Chennai-600 108.

2. B.Nirmala

3. B.Prabhakaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent in his proceedings, No.12330/Aa5/2022, dated 16.03.2022 and quash the same as arbitrary, illegal against the principles of law and wholly without jurisdiction and also colourable exercise of power.

For petitioners : Mr.R.Munuswamy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioners have filed this petition seeking direction to call for the records of the 1st respondent in his proceedings, No.12330/Aa5/2022, dated 16.03.2022 and quash the same as arbitrary, illegal against the principles of law.



2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the first respondent. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3.Since, no adverse order is being passed against the second and third respondents, notice to the second and third respondents is dispensed with.

4. The case of the petitioners is that, the petitioners are the owners of the property comprised in Survey No.224/6, measuring an extent of Acre 0.14 Cents (0.05.5 hectare) out of total extent of 0.42 cents and in Survey No.225/9, measuring an extent of Acre 0.24 cents, totalling measuring acre 0.38 cents. The second and third respondents are legal heirs of one deceased P.M.Balasubramaniya Naidu. While so, in the year 1992, the said P.M.Balasubramaniya Naidu offered to sell the disputed property to the first petitioner. Accordingly, the first petitioner agreed to purchase the property and fixed the sale consideration of the property as Rs.1,52,000/-. However, the entire sale consideration was paid to the husband of second respondent and the husband of second respondent executed power of attorney in favour of the first petitioner on 23.12.1992, vide Doc.No.470/IV/1992 on the file of Sub-Registrar Office, Ponneri. The second respondent is also aware of the said sale transaction. Thereafter, the first petitioner had executed two sale Deeds dated 25.01.1994 in Doc.No.191/1994 and Doc.No.575/1994 on the file of SRO, Ponneri in favour of the second petitioner. Since, the private respondents are interfering with the petitioners peaceful enjoyment of the property, they filed a suit in O.S.No.273 of 2018 on the file of Subordinate Judge, Ponneri. While so, during the pendency of the suit, the second respondent made complaint before the anti-land grabbing special cell, Tiruvallur and to the first respondent. However, without considering the pendency of the said suit, the first respondent issued summons to the petitioners. Challenging the same, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that the petitioners are ready to participate in the proceedings, however, the first respondent had issued summons to the petitioners without furnishing any documents, hence, this Court may issue direction to the first respondent to furnish the necessary documents to enable them to participate in the enquiry effectively.



6. The learned Special Government Pleader appearing for the respondents submits that the first respondent will furnish the necessary documents which were produced by the second respondent as against the petitioner.

WEB COPY

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the first respondent to furnish the necessary documents which were produced by the second respondent to the petitioners to enable them to participate in the enquiry effectively and decide the issue in between the parties in accordance with law.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

tri

To

The District Registrar (Admn),
(In the grade of Asst. Inspector General of Registration)
O/o.The District Registrar-North Chennai,
Kuralagam Main Building, I Floor,
Broadway, Chennai-600 108.

+1cc to Mr.R.Munuswamy, Advocate, S.R.No.29748

+1cc to the Government Pleader, S.R.No.30900

W.P.No.10402 of 2022
W.M.P.Nos.10123 & 10124 of 2022

SMI (CO)
RLP (20/05/2022)