

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

W.P.No.11971 of 2022

and

WMP.No.11399 of 2022

C.Nanjappan

... Petitioner

-Vs-

- 1.The District Registrar,
Department of Registration,
Dharmapuri.
- 2.The Sub-Registrar,
Maarandahalli Sub-Registration Office,
Palacode Taluk,
Dharmapuri District.
- 3.The District Collector,
Dharmapuri District,
Dharmapuri.
- 4.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.
- 5.The Tahsildar,
Palacode Taluk,
Dharmapuri District.
- 6.The Zonal Deputy Tahsildar,
Vellichandai Firka,
Palacode Taluk,
Dharmapuri District.
- 7.The Village Administrative Officer,
Jakasamuthiram Village,
Palacode Taluk,
Dharmapuri District.
8. K.Perumal
9. Chinnavan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to conduct enquiry regarding the illegal registration of the Sale Deed dated 24-01-2022 registered vide Document No.195 of 2022 on the file of the 2nd respondent based on the petitioner's representation dated 19-02-2022 within a stipulated time fixed by this Court.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.M.Ayyadurai
Government Advocate
for R1 to R7

ORDER

The prayer made in this writ petition is to issue a Mandamus directing the first respondent to conduct enquiry regarding the illegal registration of the Sale Deed dated 24-01-2022 registered as Document No.195 of 2022 on the file of the 2nd respondent, based on the petitioner's representation dated 19.2.2022 within the stipulated time frame.

2. It is the case of the petitioner that he entered into an agreement of sale with the 8th respondent in respect of the property comprised in Survey No.38/1C, New Survey No.38/1C1 measuring 30 cents, situated at Jakkasamudram Village, Dharmapuri District on 25.5.1997. Subsequently, in the year 1998, the petitioner was put in possession of the property covered in the agreement of sale. As the 8th respondent did not come forward to perform the contract on his part, he filed O.S.No.112 of 2015 before the District Munsif Court, Palacode for specific performance of the contract and the same was dismissed. Thereafter, the petitioner has preferred A.S.No.11 of 2019 before the Subordinate Judge, Palacode, which was also dismissed. Aggrieved by the same, he has also preferred second appeal in S.A.SR.No.13209 of 2022 before this Court and the same is pending. Whiles, the 8th respondent, in collusion with the second respondent, despite the objection raised by the petitioner, proceeded to register a sale deed dated 24.1.2022 executed by the eight respondent in favour of the 9th respondent in respect of the very same property which is now under the possession and enjoyment of the petitioner, without conducting any enquiry or field inspection. According to the petitioner, such act of the second respondent in registering the sale deed dated 24.01.2022, is illegal and abuse of process of law.

3. In this context, the petitioner sent a representation dated 19.2.2022 to the respondents 1 and 2 requesting them to cancel the sale deed dated 24.1.2022 registered under document

No.195 of 2022 on the file of the 2nd respondent by conducting enquiry after affording opportunity of personal hearing to him. He has also sent another representation on 12.4.2022 to the 5th respondent requesting not to mutate the Revenue Records in respect of the subject property till the disposal of the second appeal by this Court. In spite of receipt of such representations, the respondents have not taken any steps to dispose of the same, hence this writ petition.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and having regard to the submissions made on either side, this Court directs the first respondent to consider the petitioner's representation dated 19.2.2022 and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving due opportunity to the petitioner as well as any other interested parties.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

kmi/msr

To

1. The District Registrar,
Department of Registration,
Dharmapuri.
2. The Sub-Registrar,
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3. The District Collector,
Dharmapuri District,
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- 4.The Revenue Divisional Officer,
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Dharmapuri District.
- 7.The Village Administrative Officer,
Jakasamuthiram Village,
Palacode Taluk,
Dharmapuri District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.31227
+1cc to the Government Pleader, S.R.No.31272

W.P.No.11971 of 2022
and
WMP.No.11399 of 2022

SSN(CO)
CT 19/05/2022