



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10953 of 2022

P.D.Selvaraj

...Petitioner

vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
Sunguvarachatram,
Kanchipuram District - 602 106.

2. Joseph.M.Putti

3. Anthonysamy

4. Motcha Mary

5. Rosario

6. P.C.John

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to provide an opportunity to the petitioner for submitting his objections to any documents presented before him for registration by the 3rd and 4th respondent or any other third parties transacting the petitioner's property in Survey No.12/1, at No.26, Sokandy Village, Sriperumbudur Taluk, Kanchipuram District, measuring an extent of 1.3 Acres by the respondents 2 to 6 and not to register any Document without causing any notice to the petitioner herein in view of the petitioners' protest Application dated 22.12.2021 and for such the orders that are deemed fit and proper.

For Petitioner : Mr.J.Ashok

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader for R1



ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct first respondent to provide an opportunity to the petitioner for submitting his objections to any documents presented before him for registration by the third and fourth respondents or any other third parties transacting the petitioner's property in Survey No.12/1, at No.26, Sokandy Village, Sriperumbudur Taluk, Kanchipuram District, measuring an extent of 1.3 Acres by the respondents 2 to 6 and not to register any Document without causing any notice to the petitioner herein, in view of the petitioner's protest Application dated 22.12.2021.

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

3. The case of the petitioner is that he purchased the property measuring an extent of 2.03 acres comprised in S.No.12/1, situated in above said Village from second respondent. Thereafter, petitioner is in possession and enjoyment of the said property. Prior to the above said sale, the second respondent had appointed the third respondent as Power Agent. Thereafter, the third and fourth respondents, with mala-fide intention, created illegal encumbrances and further attempted to sell the said property. While so, the petitioner has filed a protest Application / representation before the first respondent on 22.12.2021 to provide an opportunity of hearing to the petitioner and not to register any document without causing any notice to the petitioner, before the first respondent on 22.12.2021. Since the said representation / Application has evoked no response from the first respondent, 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 first respondent to consider the petitioner's application dated 22.12.2021 and pass orders, on merits, within a particular time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the first respondent 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 request made by the learned counsel appearing for the petitioner without going into the merits of the case, this Court issues direction to the first respondent that if any deed is presented on behalf of the respondents 2 to 6, the said deed may be adjudicated before the first respondent after affording an opportunity of hearing to the petitioner as well as the respondents 2 to 6 herein and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
Office of the Sub-Registrar,
Sunguvarachatram,
Kanchipuram District - 602 106.

+1cc to Mr.J.Ashok, Advocate SR.No.30265
+1cc to the Government Pleader SR.No.31051

W.P.No.10953 of 2022

NMI(CO)
GN(02/06/2022)