



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.11419 of 2022 and
W.M.P.No.10955 of 2022

Kameshwari Somasundaram

...Petitioner

vs.

1. The District Registrar,
District Registration Office,
Chengalpet - 603 002.

2. The Sub Registrar,
Thiruporur,
Chengalpet - 603 110.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to dispose of the Appeal dated 17.02.2022 filed by the petitioner and decide the same within the time frame as may be stipulated by this Hon'ble Court after affording an opportunity to the petitioner.

For Petitioner : Mr.Revathi Manivannan

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a writ of Mandamus to direct the first respondent to consider the Appeal of the petitioner dated 17.02.2022 and dispose of the same within a time frame that may be fixed by this Court after affording an opportunity of hearing to the petitioner.

2. The case of the petitioner is that his father J.Somasundaram purchased the "Schedule Property" admeasuring 4800 sq.ft. comprised in S.F.No.1401/42A2B, from P.Ganesan,



situated at Kelambakkam Village, Thiruporur. After his demise, the legal heirs of said J.Somasundaram were in possession and enjoyment of the said property. Thereafter, petitioner came to know that adverse entries were made in Encumbrance Certificate where one M.S.Muthurajan i.e., son of petitioner's vendor executed Settlement Deed dated 10.04.2015, in favour of his son namely V.Kannan vide Document No.6220 of 2015, who in turn executed a Deed of Power of Attorney dated 16.12.2020, in favour of third parties. In order to cancel the alleged forged documents dated 10.04.2015 and 16.12.2020, the petitioner made an Appeal before the first respondent on 17.02.2022. Since the said Appeal was not considered by the first respondent, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. 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 Appeal dated 17.02.2022 and pass orders on merits within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for respondents has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the said Appeal of the petitioner dated 17.02.2022 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



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To

1. The District Registrar,
District Registration Office,
Chengalpet - 603 002.

2. The Sub Registrar,
Thiruporur,
Chengalpet - 603 110.

+1 CC to Mr.Revathi Manivannan, Advocate sr 30135.

+1 CC to The Special Government Pleader sr 31015.

W.P.No.11419 of 2022

SKM(CO)
SP(03/06/2022)