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W.P.No.12031 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM

THE HONOURABLE Mr. JUSTICE **R.MAHADEVAN**

W.P.No.12031 of 2022

P.Gurusamy

... Petitioner

-Vs-

1. The Inspector General of Registration
Santhome, Chennai.
2. The District Registrar,
South Chennai Registration Department,
Saidapet, Chennai.
3. The District Collector,
Singaravelan Maligai,
Chennai.
4. The Tahsildar,
Velacherry Taluk Office (Zone-8)
Velacherry, Chennai-600 042.

5. S.Jagannathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 03.08.2020 and 24.03.2022 in regard to cancel the sale deed dated 11.11.2021 executed fraudulently by fifth respondent as Document No.7230 of 2021 in the SRO, Velacherry reflected in EC after conducting enquiry within a stipulated time as fixed by this Court.



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For Petitioner : Mr.K.Kaviarasan

For Respondents : Mr.S.Prabakaran
Government Advocate for R1 to R4

ORDER

This writ petition is filed by the petitioner praying to issue a direction to the first respondent to consider his representations dated 03.08.2020 and 24.3.2022 seeking to cancel the sale deed dated 11.11.2021, bearing document No.7230 of 2021, executed fraudulently by the fifth respondent in respect of his property, which is reflected in the Encumbrance Certificate, after conducting enquiry and pass orders within the time fixed by this Court.

2. According to the petitioner, he purchased the property comprised in S.No.317/1A, 2A1, Plot No.63, measuring an extent of 2412 sq.ft., in Bhuvaneshwari Nagar, Velacherry, Chennai under the registered sale deed and has been in possession and enjoyment of the same. On account of his old age, the petitioner, who is under the care of his brother's son C.Ganesan, was unable to visit and look after his property at Velacherry. While so, taking advantage of the same, the fifth respondent, who has no right or title over the property, constructed house plots in the name of J.J.Homes in the petitioner's



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property and sold the same to various persons illegally. In this regard, a suit in O.S.No.2767 of 2020 was filed and the same is pending. Besides this, the petitioner made a representation on 03.08.2020 to the third respondent requesting to take action against the fifth respondent and subsequently, his brother's son/caretaker of the petitioner also sent a representation on 24.03.2022, but the same were not considered till date. Hence, this writ petition.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen aged 70 years and inspite of receipt of his representations, no action was taken by the 2nd and 3rd respondents against the 5th respondent, who is now attempting to transfer patta by effecting mutation in Revenue Records. He would further submit that the inaction on the part of the respondents 1 to 4 in considering the petitioner's representation would cause serious prejudice and hardship to the petitioner. Therefore, the learned counsel prayed for appropriate direction to the respondent authorities.

4. Heard both sides and perused the materials placed before this Court.



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5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the petitioner's representations dated 03.08.2020 and 24.03.2022, afford an opportunity of personal hearing to the petitioner as well as 5th respondent and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

06.05.2022

Index : yes/no
Speaking/Non-speaking Order
kmi/msr

To

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R.MAHADEVAN, J.

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