

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.15474 of 2022
and
W.M.P.No.14630 of 2022

Mohamed Aswar Bhari

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Chengalpet,
Chengalpet District.
2. The Sub-Registrar,
Thiruporur Sub-Registrar Office,
Thiruporur,
Chengalpet District.
3. Abdul Suban @ Imdiyaz

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from cancelling the Settlement Deed of the petitioner dated 22.06.2021 in Doc.No.8988 of 2021 on the file of 2nd respondent with regard to his property in S.Nos.26/4A and 26/4C, to an extent of 81 cents, situated at Thiruvadhanthai Village, Thiurporur Taluk, Chengalpet District.

For Petitioner : M/S.M.R.Jothimanian
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to forbear the respondents 1 and 2 from cancelling the Settlement Deed of the petitioner dated 22.06.2021 in Doc.No.8988 of 2021 on the file of 2nd respondent with regard to his property in S.Nos.26/4A and 26/4C, to an

extent of 81 cents, situated at Thiruvadanthai Village, Thiurporur Taluk, Chengalpet District.

2. The case of the petitioner is that, on 22.06.2021, the petitioner's father had executed a Family Settlement Deed in favour of the petitioner in S.Nos.26/4A and 26/4C, ad-measuring an extent of 81 cents, situated at Thiruvidanthai Village, Thiruporur Taluk, Chengalpet District, and the same was registered as Doc.No.8988 of 2021, on the file of the second respondent. After the execution of the said deed, the petitioner is the absolute owner and he is in continuous possession of the same. It is pertinent to note that, all the revenue records stand in his name and he has also paid all the necessary taxes to the authority including Revenue Department. While so, on 16.03.2022, the third respondent/private respondent tried to grab his property and also threatened the petitioner as well as his family members. Meanwhile, the third respondent filed Civil Suit in O.S.No.40 of 2022, on the file of District Munsif, Chengalpet, and the same is pending. Thereafter, the third respondent approached the first respondent on 26.03.2022, seeking to cancel the Settlement Deed, dated 22.06.2021 in favour of the petitioner. Despite the same, the first respondent issued notice dated 18.04.2022 in Na.Ka.No.1734/Aa3/2022, to appear for an enquiry on 27.04.2022. Further, the enquiry was conducted on the said date, however, no order was passed by the first respondent. Therefore, the petitioner made a detailed representation dated 27.04.2022 before the first respondent and also stated that the Civil Suit is pending. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

4. Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the first respondent to conclude the enquiry notice dated 18.04.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents submitted that the enquiry will be completed and the appropriate orders will be passed in the manner known to law.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the first respondents to complete the enquiry notice dated

18.04.2022 and pass appropriate orders 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 affording an opportunity of hearing to the petitioner as well the private respondent.

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

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Registration Department,
Chengalpet, Chengalpet District.
2. The Sub-Registrar,
Thiruporur Sub-Registrar Office,
Thiruporur, Chengalpet District.

+1cc to M/S.M.R.Jothimanian, Advocate, S.R.No.39153
+1cc to the Government Pleader, S.R.No.39343

W.P. No.15474 of 2022
and
W.M.P.No.14630 of 2022

RGN[co]
NSK/11/07/2022