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W.P.No.7112 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.7112 of 2017

R.Amithirtham

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai – 600 100.

2.The District Registrar,
Chengalpattu, Kanchipuram District – 603 204.

3.The Joint Sub-Registrar – II,
Combined Registrar Building,
Chengalpattu,
Kanchipuram District – 603 204.

4.M.Rajesh

5.M.Boobalan

6.K.Balaji

7.M.Manikandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent herein to conduct an enquiry on the petitioner's representation dated 26.10.2016.

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For Petitioner : Mr.P.G.Perumal Pandian

For Respondents 1 to 3 : Mr.E.Vijay Anand,
Additional Government Pleader

For Respondents 4, 5 & 7 : Tapal Returned “Refused”

For Respondent 6 : Tapal Returned “Unclaimed”

ORDER

The petitioner has filed this writ petition for issuance of Writ of Mandamus directing the second respondent herein to conduct an enquiry on the petitioner's representation dated 26.10.2016.

2. The case of the petitioner is that the disputed property is an ancestral property, the petitioner's father in law acquired the said property by way of partition from his brother vide Doc.No.2028 of 1982 dated 25.08.1982 on the file of Joint Sub-Registrar II, Sub-Registrar, Chengalpattu. Though the S.No.315/1B2 consist of 47 cents, the partition deed dated 25.08.1982 carries only 37 cents. In the meantime, the petitioner's father in law died on 17.11.2012 leaving behind petitioner's husband as sole legal heir. Thereafter, the petitioner's husband executed a Power of Attorney Deed in



favour of fourth respondent on 07.07.2014 to deal with the property comprised in S.No.315/1B2, Kolathur Village, Chengalpattu Taluk, Kanchipuram District. Subsequent to the execution of Power of Attorney Deed, petitioner's husband died on 17.09.2014. After the demise of petitioner's husband, the fourth respondent alienate the subject property in favour of respondents 5 to 7 by executing various sale deeds. The petitioner who came to know all these facts, made a representation dated 26.10.2016 before the respondents seeking for cancellation of patta executed in favour of respondents 5 to 7 by the fourth respondent. Based on such representation, the first respondent directed the second respondent to conduct an enquiry, however, till date, the second respondent has not conducted any enquiry or passed any order. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the second respondent to conduct an enquiry based on the petitioner's representation dated 26.10.2016 and pass appropriate orders on merits and in accordance with law within a time frame to be fixed by this Court.



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4. Learned Additional Government Pleader appearing for the official respondents would submit that he has no objection for the said direction being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record. Since no adverse order is passed against the private respondents notice and appearance dispensed with.

6. Taking into consideration the facts and circumstances, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 26.10.2016 by affording reasonable opportunity of hearing to the petitioner as well as private respondents 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.

7. With the aforesaid direction, this writ petition stands disposed of.
No costs.

18.11.2022

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Index : Yes/No

Speaking Order : Yes/No

To:

- 1.The Inspector General of Registration,
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M.DHANDAPANI,J.

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