



W.P.No.26682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26682 of 2022

and

WMP.No.25741 of 2022

1. A.Palanivel
 2. A.Thenmozhi
- ...Petitioners

Vs.

1. The Inspector General of Registration,
Registration Department,
Government of Puducherry,
Puducherry.
 2. The District Registrar,
Registration Department,
Government of Puducherry,
Puducherry.
 3. K.Rathinavelu
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the notice in No.4225/DRP-67/DRO/RD/2022/786 of the 2nd respondent dated 09.05.2022 and quash the same.

For Petitioners : M/s.G.Sumitra



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For Respondents : Mr.J.Kumaran, AGP Puducherry, for R1 & R2

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ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Certiorari to call for the records of the 2nd respondent in respect of the notice dated 09.05.2022 bearing No.4225/DRP-67/DRO/RD/2022/786 and quash the same.

2. The case of the petitioners is that the disputed property comprised in S.No.1387 to an extent of 47 Kuzhis, originally belonged to one Chinnathambi Gramany and he executed a notarized Donation Deed dated 15.09.1926 allotting certain properties to his sons namely, Palani Gramany, Ramalinga Gramany and to the sons of his predeceased son, namely, late, Sammykannu Gramany. Apart from the disputed property, the said Chinnathambi Gramany had various other properties in the same village and other villages and he handed over the same to the said Ramalinga Gramany, who in turn executed two Wills in respect of the above said properties, the 1st Will dated 02.04.1970 in favour of his daughters in respect of the properties devolved upon him, vide the said Donation deed dated 15.09.1926, in which the land to an extent of 47 Kuzhis comprised in S.No.1387 was given to one



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of his daughter namely, Govindammal and another Will dated 20.12.1970 in favour of his deceased brother's sons in respect of the lands owned by the said Chinnathambi Gramany, which was later handed over to the said Ramalinga Gramany. Thereafter, the said Govindammal, sold the subject property to the petitioners' mother namely Mangaiyarkarasi, vide registered sale deed dated 30.04.1979 bearing Doc.No.1212 of 1981. Pursuant to the said purchase, the petitioners' mother settled the said property in favour of the petitioners, vide settlement deed dated 26.02.1984 and subsequently the revenue records were mutated in favour of the petitioners and they have also put up a small house in a portion of the subject property and are in absolute possession and enjoyment of the same. While so, due to various dispute in between the petitioners and other persons with regard to the subject property, several suits were were came to be instituted by the petitioners and other persons, and a joint trial has been ordered for the suits in O.S.Nos.110 of 2008 and 215 of 2008, both on the file of II Additional District Munsif, Puducherry and the same are pending. While so, the 3rd respondent, claiming himself to be the Power of Attorney of the legal heirs of one Pooshanavathi, one of the daughter of the said Ramalinga Gramany, gave a complaint dated



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06.04.2022 before the 2nd respondent, claiming that based on the last Will of the said Ramalinga Gramany dated 09.07.1971, the said Pooshanavathi alone is the beneficiary and sought for cancellation of the documents bearing Doc.Nos.1212 of 1981 and 1779 of 1984. Pursuant to which, the 2nd respondent has issued the present impugned notice dated 09.05.2022 bearing No.4225/DRP-67/DRO/RD/2022/786, calling the petitioners and the 3rd respondent to appear for enquiry. Challenging the same the present Writ petition is filed.

3. Learned counsel for the petitioners submitted that though the petitioners are the owners of the subject property and the revenue records were also mutated in their favour, the 2nd respondent, upon receipt of the complaint from the 3rd respondent, is hurriedly trying to conclude the proceedings in favour of the 3rd respondent, without considering the petitioners' grievances and without affording opportunity to the petitioners to substantiate their contention, which is not sustainable. Hence, he prayed for appropriate orders.



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4. Learned Additional Government Pleader appearing for the official respondents submitted that, the enquiry will be conducted based on the complaint made by the 3rd respondent and appropriate orders will be passed in the manner known to law, after affording an opportunity to the petitioners as well as the 3rd respondent.

5. Heard learned counsel on either side and perused the materials available on record.

6. In view of the limited request made by the learned counsel for the petitioners, this Court, without interfering with the notice impugned in this Writ petition, directs the 2nd respondent to concluded the proceedings, initiated upon receipt of the complaint of the 3rd respondent dated 06.04.2022 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, after affording an opportunity of personal hearing to the petitioners and the private respondent.

7. With the above observations and directions, this Writ petition is



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disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

14.11.2022
(1/2)

skt

Speaking Order : Yes/ No
Index : Yes/ No

M.DHANDAPANI, J.

skt

To

1. The Inspector General of Registration,
Registration Department,
Government of Puducherry,
Puducherry.
2. The District Registrar,
Registration Department,
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and

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