



W.P.No.28729 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.28729 of 2022

M.Bushan Kumar

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai – 28.

2.The Deputy Inspector General of Registration,
Salem.

3.The District Registrar,
Krishnagiri.

4.The Sub Registrar,
Soolagiri.

5.Vijaya

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first respondent to conduct an enquiry on the appeal preferred by the petitioner on 08.08.2022 within time frame.

For Petitioner : R.Poornima

For Respondents : Mr.C.Kathiravan,

Page No.1 of 7



W.P.No.28729 of 2022

settlement deed dated 06.02.2009. During the life time of petitioner's parents, all the children were given share over the properties. This being so, Vijaya, 5th respondent filed a suit in O.S.No.32 of 2006 seeking for partition. Pending the suit, she has filed another suit in O.S.No.84 of 2010 before the Additional District Court, Krishnagiri seeking for similar relief, however, the said suits were dismissed on the ground that she has no share or right over the property. Challenging the same, the 5th respondent preferred an appeal before this Court in A.S.No.548 of 2017 and this Court vide its order dated 28.04.2022 dismissed the same. Thereafter, the fifth respondent engaged in alienating the property and the same was entertained by the fourth respondent.

4.1. The petitioner made a representation dated 12.09.2020 before the third respondent seeking for cancelling the document executed by 5th respondent, however, the third respondent passed an order dated 30.03.2021 stating that they do not have powers to cancel the registered instrument. Aggrieved over the same, the petitioner preferred an appeal before the second respondent and the same was rejected on 22.07.2022. Challenging the said order, the petitioner preferred another appeal before the first respondent on 08.08.2022, however, till date, no enquiry was conducted. Hence, this writ



W.P.No.28729 of 2022

petition.

WEB COPY

5. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the first respondent to conduct enquiry on the appeal preferred by the petitioner on 08.08.2022 within a time frame that may be fixed by this Court.

6. Learned Special Government Pleader appearing for the respondents has no objection for the said direction being passed by this Court.

7. Heard the learned counsel on either side and perused the materials placed on record.

8. Considering the facts and circumstances, this Court without going into the merits of the case, directs the first respondent to pass orders on the petitioner's appeal dated 08.08.2022 after affording reasonable opportunity of hearing to the petitioner as well as the 5th respondent, within a period of six weeks from the date of receipt of a copy of this order.



W.P.No.28729 of 2022

WEB COPY

9. With the aforesaid direction, this writ petition is disposed of. No costs.

01.11.2022

vm

Index : Yes/No

Speaking Order : Yes/No

To:

- 1.The Inspector General of Registration,
Santhome, Chennai – 28.
- 2.The Deputy Inspector General of Registration,
Salem.
- 3.The District Registrar,
Krishnagiri.
- 4.The Sub Registrar,
Soolagiri.



WEB COPY



W.P.No.28729 of 2022

M.DHANDAPANI,J.

vm

W.P.No.28729 of 2022



WEB COPY



W.P.No.28729 of 2022

01.11.2022