



WEB COPY



W.P.No.31727 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31727 of 2022

Regina Arulraj

... Petitioner

vs.

1. The Inspector General of Registrar,
Tamil Nadu Registration Department,
No.120, Santhome High Road, Chennai – 28.

2. The District Registrar,
Chennai (South),
Nandhanam, Chennai – 600 035.

3. The Sub-Registrar,
Sub-Registrar's Office,
Velacherry,
Chennai – 600 042.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider the representation on 10.08.2022 within a stipulated time in accordance with Circular Letter No:33760/U1/2022 dated 27.09.2022 and to proceed the enquiry.



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For Petitioner : Mr.M.Leo Prabhu
for M/s.Nathan and Associates

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the second respondent to consider the representation dated 10.08.2022 within a stipulated time in accordance with Circular Letter No:33760/U1/2022 dated 27.09.2022 and to proceed the enquiry.

2. It is the case of the petitioner that her father namely Prithivi Raj is the owner of the property in S.No.136/4 of an extent of 4 grounds situated in Madipakkam Village, Shollinganallur Taluk, Kancheepuram District. After the demise of said Prithivi Raj, his legal heirs namely Shalan Prithivi Raj and the petitioner were in possession and enjoyment of the above said property. Thereafter, the said Shalan Prithivi Raj executed a release deed dated 04.09.2018 in favour of the petitioner. However, one Sambantham who is the neighbouring land owner executed a fraudulent settlement deed in favour of his wife namely Kasthuri in respect of S.No.136, Plot Nos.11, 12 and 13, who in turn sold the same to several other persons. In order to



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cancel all the aforesaid sale deeds, one Bakkiyaraj made a representation dated 10.08.2022 on behalf of the petitioner before the second respondent.

Since the same was not considered by the second respondent, the petitioner has filed the present writ petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues a direction to the second respondent to consider the petitioner's representation dated 10.08.2022 and pass appropriate orders in terms of Section 77A of the Registration Act, 1908 within the time frame that may be stipulated by this Court.

4. Learned Additional Government Pleader appearing for the respondents submitted that though the petitioner made the representation against the said Sambantham and others who are not parties in this writ petition, opportunity will be given to the petitioner as well as said Sambantham and appropriate orders will be passed.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 10.08.2022 pass appropriate orders in terms of Section 77A of the Registration Act, 1908 after affording an opportunity of hearing to the petitioner as well as aggrieved persons, if any, including the said Sambantham within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation and directions, this Writ Petition is disposed of. No costs.

28.11.2022

RAP
Index : Yes/No
Speaking order : Yes/No

To:

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M.DHANDAPANI, J.

RAP



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