



W.P.No.31691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

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

W.P.No.31691 of 2022

Bagavath Singh

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai – 28.
- 2.The Deputy Inspector General of Registration,
Chennai Zone, Nandhanam,
Chennai – 600 035.
- 3.The District Registrar,
Chennai (North Registration District),
Kuralagam,
Kuralagam Building 1st Floor,
Parrys, Chennai.
- 4.The Sub Registrar,
No.7, Raja Nagar,
Madhavaram, Chennai – 600 060.
- 5.The Special Tahsildar,
Urban Land Tax Scheme,
Madhavaram.



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6.D.Velu

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider and dispose of the petitioner appeal dated 03.10.2022 pending on the file of 2nd respondent.

For Petitioner	:	Mr.J.Sudhakaran
For R1 to R5	:	Mr.C.Kathiravan Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 2nd respondent to consider and dispose of the petitioner's appeal dated 03.10.2022 pending on the file of 2nd respondent.

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

3. The case of the petitioner is that the petitioner is the owner of the property, of an extent of 30 ½ cents in Survey No.875/1 and 29 ½ cents in Survey No.875/2A situated in No.1, Lotus Colony, M.R.H.Road, Madhavaram, having purchased the same from one H.K.Jhaver, vide sale deed, dated 16.03.1990 registered as Doc.No.1040 of 1990 on the file of



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Sub Registrar Office, Sembium. Subsequent to the purchase of the aforesaid property, the Deputy Tahsildar, Saidapet has issued Patta, vide Patta No.5595 in his favour. However, the same has not been taken on Revenue Record by the authorities concerned. While so, in order to grab the petitioner's property from the year 2016 onwards, one Sathiyakumar initiated patta proceedings against the petitioner before the fifth respondent and fifth respondent has issued patta in favour of the said Sathiyakumar. Subsequently, contempt proceedings has been initiated against the fifth respondent before this Court, and this Court, directed to cancel the patta stood in the name of said Sathiyakumar and restore the original possession as it was in the year 2016. Further, the said Sathiyakumar through Power of Attorney Agent executed a sale agreement dated 03.11.2020 in favour of sixth respondent, on the file of fourth respondent. Therefore, the petitioner made a representation to the third respondent, seeking to stop further registration in respect of the aforesaid property. However, the third respondent has not passed any order, and therefore, the petitioner has filed Writ Petition before this Court in W.P.No.17781 of 2021, and this Court passed an order dated 22.09.2021, with a direction to the second respondent to conduct enquiry in this regard by affording opportunity to



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the respective parties and pass appropriate orders. Pursuant to which, the third respondent passed an order dated 19.09.2022, rejected the petitioner's contention. Being aggrieved over the order passed by the third respondent, the petitioner preferred an appeal dated 03.10.2022 before the second respondent. Since the said appeal was not considered by the second respondent, the petitioner had filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice if this Court issues a direction to the second respondent to consider the petitioner's appeal dated 03.10.2022 and pass orders on the same within a particular time that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents 1 to 5 has no serious objection for the said order being passed.

6. In view of the above, this Court without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's appeal dated 03.10.2022 and pass appropriate orders on



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merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well the private respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Speaking Order : Yes/ No
jd

To

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