



WEB COPY



W.P.No.32183 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.32183 of 2022

P.Thirumalai

.. Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Madavelippakam,
Raja Annamalaipuram, Chennai-28.

2. The District Registrar,
Administration,
South Chennai, Guindy,
Industrial Estate, Chennai-32.

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus, directing the 1st respondent to dispose of appeal filed by the petitioner and his brother against the order passed in Na.Ka. No.14114/ E2/ 2019 dated 27.08.2022 within the time frame fixed by this Honourable Court and stay the further proceedings of the order passed by 2nd respondent in Na.Ka. No.14114/ E2/ 2019 dated 27.08.2022 with regard to documents Numbers 3755/2011, 3756/2011, 3759/2011, 3760/2011, 10767/18, 14559/18, 14561/18, 14560/18 till the disposal of the appeal pending before the 1st respondent.

For Petitioners : Mr. L.Sasikumar

For Respondents : Mr. C.Kathiravan, SGP



W.P.No.32183 of 2022

ORDER

This petition has been filed seeking a direction to 1st respondent to dispose of appeal filed by the petitioner and his brother against the order passed in Na.Ka. No.14114/ E2/ 2019 dated 27.08.2022 within the time frame fixed by this Honourable Court and stay the further proceedings of the order passed by 2nd respondent in Na.Ka. No.14114/ E2/ 2019 dated 27.08.2022 with regard to documents Numbers 3755/2011, 3756/2011, 3759/2011, 3760/2011, 10767/18, 14559/18, 14561/18, 14560/18 till the disposal of the appeal pending before the 1st respondent.

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

3. It is the case of the petitioner that originally the land measuring an extent of 1 acre 83 cents was divided into two share to one Kanni and Chinna kannu, who is the brothers, as early as in the year 1937. After death of the said Chinna Kannu, his sons viz., Ponnusamy and Arumugam have divided the property and the revenue records have also stand in their name in respect of the subject properties. Subsequently, the share of the



W.P.No.32183 of 2022

ponnusamy came to the petitioner and his brother and they are in possession and enjoyment of the properties. That being the situation, the said Arumugam, who is the brother of the petitioner's father, has executed a settlement deed in favour of his children and also executed a power of attorney in respect of the subject properties. In such circumstances, one Ebinezer and Jayaseelan had made a fraudulent claim to cancel the documents Nos.3755/2011, 3756/2011, 3759/2011, 3760/2011, 10767/18, 14559/18, 14561/18, 14560/18 before the second respondent. As against the said order, the petitioner has preferred an appeal before this first respondent and the same is pending. Therefore, the petitioner has filed the present writ petition before this Court seeking an appropriate remedy.

4. Learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to consider the petitioner's appeal and to pass appropriate orders within the stipulated time as fixed by this Court.

5. Considering the facts and circumstances of the case and in view



W.P.No.32183 of 2022

of the limited request made by the learned counsel for the petitioner, this Court, directs the first respondent to dispose of the appeal if available, after affording opportunity to the petitioner and aggrieved person if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observation, the writ petition is disposed of. No costs.

30.11.2022

rli

Index : Yes

Internet : Yes

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Madavelippakam,
Raja Annamalaipuram, Chennai-28.

2. The District Registrar,
Administration,
South Chennai, Guindy,
Industrial Estate, Chennai-32.



WEB COPY



W.P.No.32183 of 2022

M.DHANDAPANI, J.

rli

W.P. No.32183 of 2022

30.11.2022