



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3099 of 2022

S.Murugaganesan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santham High Road,
Chennai - 600 028.

2.The District Registrar,
O/o. The District Registrar,
Rajagambiram,
Y.Othakadai,
Madurai.

3.The Sub Registrar,
Theppaklulam Sub Registrar Office,
Rajagambiram,
Y.Othakadai,
Madurai.

4.Pitchai

5. M.Indira

6.Chithra

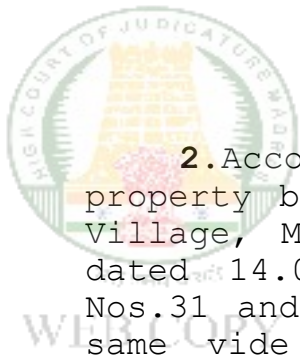
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent herein to conclude the enquiry and pass final orders as directed by this Hon'ble Court in W.P.(MD)No.13246 of 2021 dated 02.08.2021 by considering the representation sent by the petitioner dated 28.01.2022.

For Petitioner : Mr.Niranjan S.Kumar
For Respondents : Mr.S.Shanmugavel - RR1 to 3
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for direction to the second respondent to conclude the enquiry and pass final orders as directed by this Court in W.P.[MD]No.13246 of 2021 dated 02.08.2021 by considering the petitioner's representation dated 28.01.2022 within a time frame to be fixed by this Court.



2. According to the petitioner, he is the absolute owner of the property bearing Plot No.31 in R.S.No.2/1A at Karuppapillaiyenthal Village, Madurai District, having got the same under a sale deed dated 14.05.2012. According to the petitioner, originally Plot Nos.31 and 32 were owned by Mr.Rengasamy Naidu, he having got the same vide sale deed dated 29.12.1972. It is the case of the petitioner that thereafter said Rengasamy Naidu sold Plot No.31 in favour of Mrs.Ambujam under a sale deed dated 22.12.1984. According to him, one Pitchai, fourth respondent herein has fraudulently executed a sale deed dated 10.08.2006 in favour of Mrs.Indira for both Plot Nos.31 and 32. In the said sale deed, Pitchai claims to be the legal heir of the deceased Rengasamy. In the sale deed dated 10.08.2006 executed by Pitchai, it is stated that Rengasamy died on 04.06.1993.

3. It is the case of the petitioner that even assuming that Pitchai has got the right to sell the property, he has got the right only with regard to Plot No.32 as Plot No.31 has already been sold in favour of Mrs.Ambujam, who is the vendor of the petitioner. The petitioner has purchased Plot No.31 from Mrs.Ambujam, under a sale deed dated 14.05.2012. According to the petitioner, Rengasamy Naidu actually died on 08.07.1992, whereas in the sale deed dated 10.08.2006 executed by Pitchai in favour of Mrs.Indira, it is disclosed as 04.06.1993. It is also the case of the petitioner that Pitchai is not the legal heir of the deceased Rengasamy Naidu. Therefore the petitioner has given representation to the official respondents seeking for cancellation of the sale deed dated 10.08.2006 and the consequential sale deed dated 15.02.2007, in favour of the sixth respondent as according to him the said documents have been fraudulently registered.

4. The petitioner had given a representation requesting the official respondents for cancellation of the aforementioned registered documents and the said representation was rejected by order dated 14.07.2021 and aggrieved by the same he filed W.P.[MD] No.13246 of 2021. By order dated 02.08.2021 in W.P.[MD]No.13246 of 2021, the impugned order was quashed and remanded back to the official respondents for fresh consideration on merits and in accordance with law after affording a fair opportunity of hearing to both the petitioner and the rival claimants who are the respondents 4 to 6 in the said writ petition. Subsequent to the passing of the order dated 02.08.2021 in W.P.[MD]No.13246 of 2021, the enquiry commenced on 07.09.2021 as seen from the notice issued by the second respondent. The enquiry date was fixed on 23.09.2021. It is the case of the petitioner that thereafter no further hearing took place and no final orders have been filed. In such circumstances, this writ petition has been filed.



5.Heard Mr.Niranjan S.Kumar, learned Counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

6.On instructions, learned Additional Government Pleader would submit that due to the pendency of civil suits filed by the petitioner as well as the private respondents, no further orders could be passed after completion of the enquiry. The suit filed by the petitioner is O.S.No.222 of 2021, on the file of the Subordinate Court, Melur and the suit filed by the private respondents is O.S.No.43 of 2021, on the file of the District Munsif Court, Melur. Since both the suits are pending, it is the contention of the learned Additional Government Pleader on instructions that no final orders could be passed in the petitioner's representation seeking for cancellation of alleged fraudulent documents.

7.Admittedly, no stay has been granted by any court restraining the official respondents from passing final orders on the petitioner's representation seeking for cancellation of the aforementioned registered documents. The injunction granted by the Civil Court is only with regard to possession and does not prevent the official respondents from proceeding with the enquiry which relates to a request made by the petitioner for cancellation of the aforementioned registered documents. Therefore, there is no bar for the official respondents to proceed with the enquiry in compliance with the order dated 02.08.2021 passed by this Court in W.P.[MD] No.13246 of 2021 and pass final orders after affording a fair opportunity of hearing to the petitioner as well as the rival claimants to the very same property namely, respondents 4 to 6 herein.

8.Accordingly, this Court directs the second respondent to conclude the enquiry and pass final orders as directed by this Court in W.P.[MD]No.13246 of 2021 dated 02.08.2021, after affording a fair opportunity of hearing to the petitioner and the rival claimants namely respondents 4 to 6 herein within a period of eight [8] weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

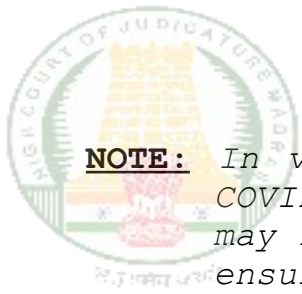
Assistant Registrar (Writs)

// True Copy //

21/02/2022

Sub Assistant Registrar(CS)

MR



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Registration,
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3.The Sub Registrar,
Theppaklulam Sub Registrar Office,
Rajagambiram,
Y.Othakadai,
Madurai.

4.The Subordinate Judge,
Melur.

5.The District Munsif,
Melur.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-6863[F] dated 17/02/2022)

+1 CC to M/s.SPL GP (SR-7122[F] dated 18/02/2022)

W.P. [MD]No.3099 of 2022

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MGJ(21.02.2022) 4P 8C